

# RESTRICTION OF IMMIGRATION

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## HEARINGS

BEFORE

### THE COMMITTEE ON IMMIGRATION AND NATURALIZATION HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH CONGRESS

FIRST SESSION

ON

**H. R. 5, H. R. 101, and H. R. 561**

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DECEMBER 26, 27, AND 31, 1923  
JANUARY 2, 3, 4, 5, 7, 8, 10, AND 19, 1924

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### Serial 1-A

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#### STATEMENTS OF

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**HOUSE OF REPRESENTATIVES.**

**SIXTY-EIGHTH CONGRESS.**

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## RESTRICTION OF IMMIGRATION.

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COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Wednesday, December 26, 1923.*

The committee met at 10 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order.

At the last meeting of the committee it was voted to proceed with hearings on the various bills which propose to limit immigration by the use of a percentage method, commencing to-day and running until the last day of December. It was agreed to hear such witnesses as might appear, and agreed that the matter of additional hearings would be taken up later.

The committee considered H. R. 5, by Mr. Raker; H. R. 101, by the chairman; and H. R. 561, by Mr. Sabath, all of which bills are based on the bill reported by this committee in the last six or seven weeks of the Sixty-seventh Congress, which was known as S. 4092, the House bill being a substitute for that measure.

Since it was announced that we would hear witnesses, I have received letters and telegrams from Mr. Cairoli Gigliotti, of Chicago, publisher of *Il Nuovo Uenuto*, meaning *The Newcomer*, in which he expressed a desire to be heard, but preferred to come during the week of January 3. The secretary notified him he might be heard on January 3, and also notified Andrew H. Dorko, president of the First Catholic Slovak Union, at Marblehead, Ohio, that he might be heard on January 3.

The secretary has received telegrams from Representative Dickstein, of New York, a member of this committee, stating that Jacob Fishman, editor of the *Morning Journal*, a Jewish publication, and one of the largest in New York, wishes to appear before the committee about January 3. He has been notified that he might be heard on that date, and if other publishers of foreign language newspapers desire to be heard we will set that date for them and for the hearing of others who will appear.

The chairman has received a telegram from William Edlin, representing a committee of foreign language newspapers, stating that he will attend the hearings on Wednesday.

A telegram has been received from Hon. Louis Marshall, New York City, in which he says that the organizations which he represents desire a full hearing regarding the fundamental provisions of this bill, and especially that provision which seeks to place the quota on a 2 per cent basis calculated according to the census of 1890. He thinks that is distinctly discriminatory, creates an unwarranted classification, and inflicts a mortal insult upon hundreds of thousands of loyal American citizens and is contrary to the fundamental principles of our Government. He asks for adequate opportunity to

present arguments adverse to this legislation and says that his engagements prevent him from being present until after January 1. He asks that we fix a time when he may present their statements, etc.

The clerk wired him, asked him what date would suit him, and we received a reply to the effect that he could not well be heard before January 10 or 11. Thereupon the clerk notified him that his letter would be presented to the members of the committee and that one of those dates might be reserved for him.

Mr. RAKER. I suggest that Mr. Marshall be notified to appear, and that the committee will hear him on the 2d of January, commencing at 10 o'clock a. m.

Mr. CABLE. As they hope to report the bill out on the day he mentions.

The CHAIRMAN. Without objection, that may be done. A letter dated December 22 has been received from Representative Emanuel Celler, the Tenth New York district, in which he says that a number of his constituents and a number of his associates in New York desire to voice their sentiments on important changes proposed. He says:

But if you shut off debate on this matter on December 31 you will practically deny them an opportunity to be heard, because during the Christmas recess their business and occupations and the desire for holiday precludes their journey to Washington.

I further ask that your committee rescind its previous action, which I deem rather improvident, and permit hearings to continue for those who ought to be heard after January 1.

Mr. RAKER. I move that that letter go in and he be notified that the committee will hear him, commencing at 1 o'clock p. m. January 2.

Mr. CABLE. How much time are you going to give Mr. Marshall?

Mr. RAKER. That gives him two hours.

(The letter of Representative Celler follows:)

WASHINGTON, D. C., December 22, 1923.

Congressman ALBERT JOHNSON,

*Chairman of Committee on Immigration and Naturalization.*

MY DEAR CONGRESSMAN JOHNSON: I understand that your committee is to hold hearings on the proposed immigration bill during the period commencing December 26 and ending December 31. I think this is a very inopportune time to hold hearings. Furthermore, people interested will find notice of hearing entirely too short.

A number of my constituents and a number of associates in New York desire to voice their sentiments on the important changes proposed, but if you shut off debate on the matter on December 31 you will practically deny them an opportunity to be heard, because during the Christmas recess their business and occupations and the desire for holiday precludes their journeying to Washington.

I further ask that your committee rescind its previous action, which I deem rather improvident, and permit hearings to continue for those who ought to be heard after January 1.

Yours very truly,

EMANUEL CELLER, M. C.,

*Tenth Congressional District, Brooklyn, N. Y.*

Mr. RAKER. I would like the committee to use its judgment on that letter. They say we are delaying matters, and every time we have a hearing they want to continue it for weeks and months after the hearing is set and then come in and make complaints that they can not be heard, because they want some frivolity at some particular

time. They ask that the business of Congress and the committee should be delayed for their special personal gratification and pleasure.

The CHAIRMAN. I think we might notify them and make inquiry to see if they can present their witnesses on the 2d. Perhaps we will have to run until the 4th.

I have another letter here from Prof. Irving Fisher, dated New Haven, Conn., December 20, in which he proposes the names of 12 witnesses, all prominent men; Dr. Robert DeC. Ward, of Boston; Lucien Howe, of Buffalo; Mr. Hrdlicka, of the Smithsonian Institution; Henry Fairfield Osborn, of the American Museum of Natural History; and so on. He asks that these witnesses be heard. I have written him a letter on my own responsibility stating that the probabilities were that we could not hear more than one or two of his list. The reply has come that if we can hear but one of that group they want to present Doctor Ward, of Harvard.

Mr. CABLE. Mr. Chairman, if I may make a suggestion, I think instead of having so many people who are strong on theory we ought to have a few that have had practical experience.

The CHAIRMAN. That will be necessary as we get along. It has been suggested that Mr. Gino Speranza, the author of a series of articles in the *World's Work*, be heard briefly and as a result of a request made the other day while Burton J. Hendrick was here before the committee, a request has been sent for him to be present, if possible, Friday or Saturday, December 28 or 29.

Mr. CABLE. Mr. Chairman, what would be the chance of having Commissioner Clark down here? Commissioner Clark, of Montreal. He has been there for years. Commissioner Curran, of Ellis Island, has been in since July 1.

Mr. RAKER. I would second the motion that the chairman request those gentlemen to appear before the committee.

Mr. CABLE. I wonder if they get their expenses paid if they come here?

The CHAIRMAN. No; unless an order is given by the Department of Labor.

Mr. WATKINS. We could subpoena them, Mr. Chairman, could we not?

The CHAIRMAN. No; we have not followed that procedure. The clerk of the committee will notify the commissioner at Montreal and the commissioner at Ellis Island, to ask if they can appear at an early date.

Mr. RAKER. Mr. Chairman, I ask at this time that the report of the chairman of the committee on S. 4092, with the bill as reported, be printed in these hearings as part of them, so that we may keep a record of what the committee did at the last session.

(The report is as follows:)

**ADMISSION OF CERTAIN REFUGEES FROM NEAR EASTERN COUNTRIES  
AND RESTRICTION OF IMMIGRATION INTO THE UNITED STATES,  
INCLUDING REVISION OF QUOTA ACT.**

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FEBRUARY 15, 1923.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, submitted the following

**R E P O R T .**

[To accompany S. 4092.]

The Committee on Immigration and Naturalization of the House of Representatives, to which was referred S. 4092, an act providing for the admission into the United States of certain refugees from near eastern countries, herewith reports the same to the House of Representatives with an amendment, and begs to recommend that the act be passed as amended, and that the title be changed in accordance with the amendment.

The amendment is to strike out all after the enacting clause and insert the following:

That this act may be cited as the "immigration act of 1923."

**IMMIGRATION CERTIFICATES.**

SEC. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) shall issue to him an immigration certificate which shall specify (1) his nationality; (2) whether he is a quota immigrant (as defined in section 5) or a non-quota immigrant (as defined in section 4); (3) his name, age, sex, and race; the date and place of his birth; and his last residence in the country from which he comes; (4) his ability to speak, read, or write; (5) his occupation; and (6) such other information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(b) The immigrant shall furnish two copies of his photograph to the consular officer, one of which shall be permanently attached by the consular officer to the immigration certificate, and the other of which shall be attached to the certificate in such manner that it can be removed by the immigration officer at the port of inspection and attached to the certificate of arrival.

(c) The validity of an immigration certificate shall expire at the end of such period, specified in the certificate, not exceeding six months, as shall be by regulations prescribed.

(d) So long as an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the vising of his passport by a consular officer before being

permitted to enter the United States, no immigration certificate shall be issued under this act in the case of such immigrant unless his passport is so viséed, or unless he is included in the passport of another which is so viséed.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration certificate of each immigrant. The immigrant shall surrender his immigration certificate to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the certificate the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration certificate shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary.

(f) No fee shall be charged or collected for the issuance of an immigration certificate.

#### DEFINITION OF "IMMIGRANT."

SEC. 3. When used in this act the term "immigrant" includes all aliens departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, and (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States in the pursuit of his calling.

#### NON-QUOTA IMMIGRANTS.

SEC. 4. When used in this act the term "non-quota immigrant" means—

(a) An immigrant who is the husband, wife, father, mother, unmarried minor child, unmarried minor brother or sister, or unmarried minor orphan niece or nephew of a citizen of the United States who resides therein at the time of the filing of a petition under section 8;

(b) An immigrant who is the husband, wife, or unmarried minor child of an alien who (1) has been permanently admitted to the United States, (2) has resided in the United States continuously for at least two years immediately prior to the time of the filing of the petition under section 8, and (3) has, at least one year prior to the time of the filing of the petition under section 8, declared his intention, in the manner provided by law, to become a citizen of the United States;

(c) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(d) An immigrant who has resided continuously for at least five years immediately preceding the time of his application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, countries of Central or South America, or adjacent islands, and his wife and unmarried minor children if accompanying him;

(e) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States, as been, and who seeks to enter the United States solely for the purpose of, carrying on, the vocation of minister of any religious denomination, professor of a college or seminary, or member of any recognized learned profession.

(f) An immigrant who is a skilled laborer, if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance shall be determined by the Secretary upon the written application of any person interested; such application to be made before the issuance of the immigration certificate, and such determination by the Secretary to be reached after a full hearing and an investigation into the facts of the case.

(g) The wife or unmarried minor child of an immigrant admissible under subdivision (e) or (f), if accompanying or following to join him.

(h) An immigrant who is a bona fide student over sixteen years of age and who seeks to enter the United States solely for the purpose of study at an accredited educational institution particularly designated by him and approved by the Secretary; or

(i) An immigrant who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, inclusive, and was not discharged therefrom under dishonorable conditions.

## QUOTA IMMIGRANTS.

Sec. 5. When used in this act the term "quota immigrant" means any immigrant who is not a non-quota immigrant.

## APPLICATION FOR IMMIGRATION CERTIFICATE.

Sec. 6 (a) Every immigrant applying for an immigration certificate shall make application therefor in such form as shall be by regulations prescribed.

(b) In the application the immigrant shall state (1) the immigrant's full and true name, and, if different, the name by which he expects to be known in the United States; age, sex, and race; the date and place of birth; last residence in the country from which he comes; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, or write; the name and address of his nearest relative in the country from which he comes; port for landing in the United States; final destination, if any, beyond the port of landing; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently and become a citizen thereof; whether ever in prison, almshouse, or institution or hospital for the care and treatment of the insane; and whether ever supported by public charity; (2) if he claims to be a non-quota immigrant, the facts on which he bases such claim; and (3) such other information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(c) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) as to each class of individuals excluded from admission to the United States under the immigration laws, that he is not a member of such class; and such classes shall be stated on the blank in such form as shall be by regulations prescribed.

(d) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(e) The application shall be verified by the oath of the immigrant before the consular officer, and shall be permanently attached to the immigration certificate at the time of issuance and become a part thereof.

(f) In the case of an immigrant under sixteen years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(g) No fee shall be charged or collected for the furnishing or verification of an application.

## NON-QUOTA IMMIGRATION CERTIFICATES.

Sec. 7. A consular officer may issue an immigration certificate to a non-quota immigrant upon satisfactory proof, under regulations prescribed under this act, that the applicant is entitled to be regarded as a non-quota immigrant.

## ISSUANCE OF CERTIFICATES TO RELATIVES.

Sec. 8. (a) In case of any immigrant claiming in his application for an immigration certificate to be a non-quota immigrant by reason of relationship under the provisions of subdivision (a) or (b) of section 4, the consular officer shall not issue such certificate until he has been authorized to do so by the Commissioner General as hereinafter in this section provided.

(b) Any resident of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a non-quota immigrant under the provisions of subdivision (a) or (b) of section 4, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) if not a citizen of the United States, the length of time he has resided therein, the date when and the place where he was permanently admitted to the United States, and the date and place of his declaration of intention and the number of the declaration; (5) the name and address of his employer or the address of his place of business or occupation if he is not an



employee; (6) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; and (7) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge.

(c) The petition shall be made under oath before any individual having power to administer oaths, and shall be supported by any documentary evidence required by regulations prescribed under this act. Application may be made in the same petition for admission of more than one individual.

(d) The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner is known, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made. These statements shall be attested in the same way as the petition.

(e) If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect to whom the petition is made is entitled to be admitted to the United States as a non-quota immigrant under subdivision (a) or (b) of section 4, he shall authorize the consular officer with whom the application for the immigration certificate has been filed to issue the immigration certificate.

(f) Nothing in this section shall be construed to entitle an immigrant, in respect to whom a petition under this section is granted, to enter the United States as a non-quota immigrant, if, upon arrival at the port of inspection, he is found not to be a non-quota immigrant.

#### PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE.

Sec. 9. (a) An alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) If the Commissioner General finds that the alien has been permanently admitted to the United States, and that the application is made in good faith, he shall issue the permit, specifying therein the length of time during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed, and shall have permanently attached thereto the photograph of the alien to whom issued.

(c) On good cause shown the validity of the permit may be extended for such period or periods and under such conditions as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$3, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

#### PERCENTAGE LIMITATIONS.

Sec. 10. (a) When used in this act the term "quota" when used in reference to any nationality means 400, and in addition thereto 2 per centum of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of 1890.

(b) There shall be issued to quota immigrants of any nationality (1) no more immigration certificates in any fiscal year than the quota for such nationality, and (2) in each of the first ten calendar months of any fiscal year, no more immigration certificates than 10 per centum of the quota for such nationality, except that if such quota is less than 600 the number to be issued in each of the first ten calendar months shall be prescribed by the Commissioner General with the approval of the Secretary, but shall not be in excess of the quota for such nationality, nor less than one-twelfth of the quota. During the eleventh and twelfth months of the fiscal year there may be issued to quota immigrants of any nationality the remainder, if any, of the quota for such nationality for such year, under regulations prescribed under this act.

## NATIONALITY.

SEC. 11. (a) For the purposes of this act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1890; except that the nationality of a minor child, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration certificate.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in the United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of this act. In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of individuals resident in the United States in 1890 who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this act generally, aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

## EXCLUSION FROM UNITED STATES.

SEC. 12. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration certificate or was born subsequent to the issuance of the unexpired immigration certificate of the accompanying parent, (2) is of the nationality specified therein, (3) is a non-quota immigrant if specified in the certificate as such, and (4) is otherwise admissible under the immigration laws.

(b) An immigrant not eligible to citizenship shall not be admitted to the United States unless such immigrant (1) is admissible as a non-quota immigrant under the provisions of subdivision (c), (e), or (h) of section 4, or (2) is the wife or unmarried minor child of an immigrant admissible under such subdivision (e), and is accompanying or following to join him.

(c) The Secretary may admit to the United States any otherwise admissible immigrant not admissible under clause (1), (2), or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission. No quota immigrant shall be admitted under this subdivision if the entire number of immigration certificates which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration certificates has not been issued, then the Secretary, upon the admission of a quota immigrant under this subdivision, shall reduce by one the number of immigration certificates which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted. Nothing in this subdivision shall authorize the remission or refunding of a fine, liability to which has accrued under section 15.

(d) An immigrant who has been permanently admitted to the United States and who departs therefrom temporarily at frequent intervals may be admitted to the United States, under such conditions as may be by regulations prescribed, without being required to obtain an immigration certificate in respect to each entry into the United States.

## DEPORTATION.

SEC. 13. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

## MAINTENANCE OF EXEMPT STATUS.

SEC. 14. (a) The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), or (5) of section 3, or declared to be a non-quota immigrant by subdivision (f) or (h) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States, together with, in case of an immigrant admitted as a skilled laborer under subdivision (f) of section 4, his wife and children admitted as non-quota immigrants under subdivision (g) of section 4.

(b) For the purposes of this section the marriage of an immigrant admitted as a student under subdivision (h) of section 4 shall be considered to be a failure to maintain the status under which admitted.

## PENALTY FOR ILLEGAL TRANSPORTATION.

Sec. 15. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration certificate, or (2) any quota immigrant having a certificate specifying him as a non-quota immigrant.

(b) If it appears to the satisfaction of the Secretary that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$500 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(c) Such fine shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired certificate, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant whose certificate specified him as being a non-quota immigrant.

## ENTRY FROM FOREIGN CONTIGUOUS TERRITORY.

SEC. 16. The Commissioner General, with the approval of the Secretary, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

## UNUSED IMMIGRATION CERTIFICATES.

Sec. 17. An immigration certificate in addition to the number provided in section 10 may not be issued to a quota immigrant of any nationality even though a quota immigrant of such nationality having an immigration certificate is excluded from admission to the United States under the immigration laws and deported or does not apply for admission to the United States before the expiration of the validity of the certificate, or even though an alien of such nationality having an immigration certificate issued to him as a quota immigrant is found not to be a quota immigrant.

## CERTIFICATES OF ARRIVAL.

Sec. 18. Every immigrant at the time of his admission to the United States shall be given a certificate of arrival issued in such form as shall be prescribed by the Secretary, containing the name of the immigrant, his age and occupation, personal description (including height, complexion, and color of hair and eyes), his place of birth, last residence, intended place of residence in the United States, date of arrival, name of the vessel, if any, upon which he arrived, and whether or not the immigrant is permanently admitted to the United States. The certificate shall have permanently attached thereto the photograph of the immigrant provided for in section 2. Such certificate of arrival, if it specifies that the immigrant has been permanently admitted to the United States, may, under regulations prescribed by the Secretary, be used by the immigrant in lieu of the certificate required to be filed with his petition for naturalization by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

## ALIEN SEAMEN.

Sec. 19. (a) No alien excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed under this act providing for the ultimate removal or deportation of such alien from the United States. The failure of the owner, charterer, agent, consignee, or master of such vessel to detain on board any alien so employed until the immigration officer in charge at the port of arrival has inspected such alien and issued to him a landing card, or the failure of such owner, charterer, agent, consignee, or master to detain such alien on board after such inspection or to deport such alien, if required by such immigration officer or the Secretary to do so, shall render such owner, charterer, agent, consignee, or master liable to a penalty not exceeding \$1,000 for each alien in respect to whom such failure occurs, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in the appropriate United States court.

(b) Section 32 of the immigration act of 1917 is repealed.

Sec. 20. (a) Upon the arrival after June 30, 1923, of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the principal immigration officer in charge at the port of arrival, in respect to each alien seaman employed on such vessel who was not shipped or engaged on such vessel at a port of the United States, a landing card in duplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination is found temporarily admissible to the United States under the immigration laws and regulations made thereunder, the immigration officer shall cause a finger print of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time during which the landing card shall be valid. Upon the landing of the alien one copy of the landing card shall be delivered to him, and the other transmitted forthwith to the Department of Labor under regulations prescribed under this act.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, con-

signee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(c) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of \$100 for each alien in respect to whom the violation occurs; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

#### PREPARATION OF DOCUMENTS.

Sec. 21. Immigration certificates, certificates of arrival, and permits issued under section 9, shall be printed on distinctive safety paper, and shall be prepared and issued under regulations prescribed under this act.

#### OFFENSES IN CONNECTION WITH DOCUMENTS.

Sec. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration certificate, certificate of arrival, landing card or permit, or (2) uses, attempts to use, possesses, obtains, accepts, or receives any immigration certificate, certificate of arrival, landing card or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary or other proper officer, knowingly (3) possesses any blank immigration certificate, certificate of arrival, or permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designated for the printing of immigration certificates, certificates of arrival, landing cards or permits, (5) makes any print, photograph, or impression in the likeness of any immigration certificate, certificate of arrival, landing card or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary for the printing of immigration certificates, certificates of arrival, landing cards or permits, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

(b) Any individual who (1) when applying for an immigration certificate or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, certificate of arrival, landing card or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than 5 years, or both.

#### RULES AND REGULATIONS.

Sec. 23. The Commissioner General, with the approval of the Secretary, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be subject to the approval of the Secretary of State.

#### ACT TO BE IN ADDITION TO IMMIGRATION LAWS.

Sec. 24. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this act.

#### STEAMSHIP FINES UNDER 1917 ACT.

Sec. 25. Section 9 of the immigration act of 1917 is amended by adding after the third sentence thereof a new sentence to read as follows: "If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure, indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien."

## ADMISSION OF TEMPORARILY ADMITTED ALIENS.

Sec. 26. (a) The Secretary may permanently admit to the United States any alien as to whom he finds:

- (1) that he was temporarily admitted to the United States before February 1, 1923;
- (2) that at the time of such temporary admission he was a minor;
- (3) that he bears to a citizen of the United States residing therein any of the degrees of relationship specified in subdivision (a) of section 4; and
- (4) that permanent and adequate provision (including the giving of such bonds in such sum, with such sureties, and with such conditions, as the Secretary deems necessary) has been made for his care and support in the United States and that he is not likely to become a public charge.

(b) If at any time after the permanent admission of such alien he becomes a public charge he shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

## GENERAL DEFINITIONS.

Sec. 27. As used in this act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "eligible to citizenship," when used in reference to any individual, does not include an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the Act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration certificate" means a certificate issued by a consular officer under the provisions of this act, together with the application therefor;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration certificates under this act. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" means an officer designated by the President for the purpose of issuing immigration certificates under this act;

(f) The term "Immigration act of 1917" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Secretary" means the Secretary of Labor;

(j) The term "Commissioner General" means the Commissioner General of Immigration;

(k) The term "application for admission" has reference to the time of the application for admission to the United States and not to the time of the application for the issuance of the immigration certificate;

(l) The term "permit" means a permit issued under section 9;

(m) The term "landing card" means a landing card issued under section 20;

(n) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

## TIME OF TAKING EFFECT.

Sec. 28. (a) Sections 2, 7, 12, 13, 14, 15, and 18, and subdivision (b) of section 10, shall take effect on July 1, 1923, except that immigration certificates and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1923. In the case of quota immigrants of any nationality the

number of certificates to be issued prior to July 1, 1923, shall not be in excess of 10 per centum of the quota for such nationality, and the number of certificates so issued shall be deducted from the number which may be issued during the month of July, 1923.

(b) The remainder of this act shall take effect upon its enactment.

#### REPEAL.

Sec. 29. The act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, shall not have effect as to any alien applying for admission to the United States after June 30, 1923.

#### ADMISSION OF RELATIVES UNDER 1921 ACT.

Sec. 30. Any alien declared to be a non-quota immigrant by reason of relationship under the provisions of subdivision (a) or (b) of section 4 of this act may be admitted to the United States prior to July 1, 1923, free from the provisions of such act of May 19, 1921, as amended and extended, and shall not be counted in reckoning any of the percentage limits provided in such act, if such alien has a certificate from a consular officer permitting such entry; but such certificate shall be issued only under the same conditions and limitations provided in this act in the case of an alien admissible, after June 30, 1923, as a non-quota immigrant under subdivision (a) or (b) of section 4.

Amend the title so as to read: "An act to limit the immigration of aliens into the United States."

#### PROVISIONS OF S. 4092.

S. 4092 is an act to admit to the United States not more than 25,000 orphaned or homeless Armenian children under 16 years of age, and to admit in addition thereto the husbands, wives, parents, and grandparents, unmarried or widowed daughters, granddaughters, sisters, sons, grandsons, and brothers under 18 years of age of the Armenian race who have fled from Turkish territory since 1914 to join relatives in the United States who may be either citizens or declarants. Admission to be on the application of the residents, subject to the conditions of the immigration laws except the quota act.

#### PROPOSED AMENDMENT.

The amendment proposed by the House committee strikes out all of the provisions of S. 4092 and offers in lieu thereof a bill to restrict immigration on a constructive plan more orderly than any heretofore presented.

#### CERTAIN RELATIVES OF CITIZENS.

The amendment recognizes the justice of giving to citizens of the United States the privilege of bringing to their own firesides certain close relatives, namely, a husband, wife, father, mother, unmarried minor child, unmarried minor brother or sister, or unmarried minor orphan niece or nephew. This does not permit future pyramiding as the parents of orphans are dead, and the parents of the others are identical with those of the relatives in the United States.

#### HIGHLY LIMITED PROVISIONS IN RE RELATIVES OF DECLARANTS.

The amendment grants this privilege in much more limited degree to aliens who have resided in the United States at least two years and who have been declarants for citizenship for at least one year. This

line is limited to the husband, wife, and unmarried minor children, all of whom must comply with all of the restrictive provisions of the present immigration laws except the quota act.

#### NO "ENDLESS CHAIN" OF RELATIVES.

Objections to the effect that the admission of wives and children of aliens who have been here at least two years, and who have had first papers for at least one year will result in an "endless chain" proposition, in that those first-paper aliens will ultimately have citizenship papers and will then be able to bring fathers, mothers, and orphaned nieces and nephews, are unsound, in the opinion of the committee.

The bringing of such persons will not be in great numbers, and does not open new lines of blood or collateral relationship. The only new families permissible are those few who may come as under certain exempted classes (minister and wife, etc.), and those who may come as "quota" immigrants.

Herein lies one of the prime reasons for reduction of quota to 2 per cent and establishment of base for quota on the 1890 census.

The plan is to admit the fewest possible number of new individuals—new seed—a top number of 186,437 annually as against a possible 387,803 new family lines under present quota law.

Further, the gross immigration since the outbreak of war in Europe to date—eight and one-half years—has been small, and made up in considerable part of members of families endeavoring to unite.

Now is the time to reduce the possibility of the entrance of new individuals of new families to the lowest practical minimum, which the bill of the House committee does. It reduces rather than increases the endless-chain possibilities.

The committee believes that the preference clauses in the present quota act have resulted in many families being brought together.

Grandparents are denied admission as "nonquota" immigrants in order to prevent future appeals for admission from lines running to the grandparents. The latter must come within quotas or not at all.

#### TO END PERSONAL APPEALS.

The committee also believes that Senators and Representatives desire to be relieved of the necessity of making continued personal appeal in behalf of constituents in behalf of this or that family which has been divided through the rigidity of the present quota act.

The personal appeal presents great opportunity for fraudulent and shyster lawyers and dishonest go-betweens, as the committee has abundance of proof. These crooks often use the names of Senators and Representatives without the knowledge of the latter and at cost to uninformed, unsuspecting, and helpless persons, who are thus bitterly imposed on.

#### WILL PREVENT ARRIVAL OF UNFORTUNATES AT GATES OF UNITED STATES.

In behalf of the whole measure it may be said that Senators and Representatives, as well as all of their constituents, desire to end the arrival at the gates of the United States through misinformation or



misunderstanding of the general law, or misinterpretation of the quota law of those who can not be admitted. It is the sincere belief of those who offer this measure that it will reduce such cases to the lowest possible minimum. Twice in 20 months has Congress acted by joint resolution to correct quota-law hardships.

Instead of limiting relief to Armenian refugees, the committee believes that such relief should not be so limited to people of one race, for treaty and other reasons, and the committee believes that under its plan of strict regulation and searching examination both here and abroad there will be neither fraud nor excessive admissions.

#### 2 PER CENT ON 1890 CENSUS, PLUS A BASE QUOTA OF 400.

Inasmuch as the amendment of the House committee offers opportunity of admission to certain relatives, the committee believes that general immigration in addition thereto should be further restricted. Therefore the House amendment revises the quota act of May 19, 1921, as amended and extended, and reduces the quota to 2 per cent based on the census of 1890, rather than 3 per cent on the census of 1910 as at present. In addition to 2 per cent of the number of foreign-born individuals of the various nationalities resident in the United States as determined by the census of 1890, each such country is granted a base quota of 400. This is for the purpose of preventing unnecessarily small divisions from countries with extremely small quotas. The number of countries to be named as entitled to quotas will remain at 44, so that a possible 17,600 immigrants are added to quotas, which in many cases will be almost nil.

Thus the total quota will equal 168,837 plus the total base quota of 17,600, or 186,437, as against a possible quota admission of 357,803 under the present law. It is believed that admission of nonquota classes will fall considerably short of the difference between these two figures. This belief is supported by a study of recent immigration and consular statistics showing, first, that the total exempt classes under the present law are numerically small; and, second, that of the number of aliens now seeking to come to relatives a comparatively small number is coming to join citizens. Statistical tables showing classification of arriving and departing aliens for the fiscal year ending June 30, 1922, as well as tables for the first six months of the present fiscal year, are attached.

The determination of quotas, geographical boundaries, etc., is to be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, as in the present act.

#### EQUALIZATION RATHER THAN DISCRIMINATION.

It should be stated that the reduction of the quotas to 2 per cent of the foreign born in the United States, according to the 1890 census, is not proposed for reasons in any sense discriminatory. It is assumed that some nations may represent to the State Department that to base the quotas on the census of 1890 amounts to discrimination against those nations whose nationals did not begin to come to the United States in considerable numbers until after that period. But this contention can not be well sustained for the following reason:

The House committee's plan admits the close relatives of naturalized citizens and of certain declarants. Those who have come to the

United States in the largest numbers in recent years make the greatest demand for the admission of these relatives, including wives and children. The resultant immigration under the House committee's proposal will be, therefore, from the countries which are granted small quotas by the use of 1890 census figures. Thus the plan brings about, as nearly as any set numerical plan of restriction can do so, an equalization rather than a discrimination. Countries which exhaust quotas are thus put on a par with countries which do not exhaust quotas.

Further, the use of the 1890 census as a standard gives a more equal proportion to those countries whose immigrants were the parents of children born in the United States and who, while representing social groups entitled to consideration, are in fact discriminated against under the present law for the very reason that they are better assimilated into our body politic.

To carry this out a little further, the later the immigrants have arrived, the closer their point of contact with those of their families left behind, while those who came here several decades ago have either brought relatives here to whom they owed support and assistance, or have fallen out of touch with them.

The total number of immigrants into the United States from western Europe between 1871 and 1880 was 2,080,266, while the total from southern and eastern Europe was only 181,638. But between 1901 and 1910 the total from the former was 2,007,119, while the number from southern and eastern Europe increased to 6,128,897. Thus, while immigration from western Europe was almost the same for the two decades, that from southern and eastern Europe increased from 181,000 to over 6,000,000. During the former period immigration from the latter portion constituted only 9 per cent of the total from Europe, while in the period from 1901 to 1910 it was about 75 per cent. The following table shows the gradual decrease of the old and rapid increase of the new immigration:

**Eight years (1882-1889):<sup>1</sup>**

Old immigration.....	3,019,696
New immigration.....	708,357
<b>Total.....</b>	<b>3,728,053</b>

**Seven years (1890-1896):**

Old immigration.....	1,652,797
New immigration.....	1,194,189
<b>Total.....</b>	<b>2,846,986</b>

**Eighteen years (1897-1914):**

Old immigration.....	2,983,548
New immigration.....	10,057,576
<b>Total.....</b>	<b>13,041,124</b>

<b>Total old immigration (1882-1914).....</b>	<b>7,566,041</b>
<b>Total new immigration (1882-1914).....</b>	<b>11,960,122</b>

**Total immigration from Europe, old and new (1882-1914)..... 19,526,163**

The quick exhaustion, during the past 20 months, of quotas allotted to certain countries from which the newer immigration has come,

<sup>1</sup> Hearings, House Committee on Immigration and Naturalization, 67th Cong., 4th sess., p. 568.

the using of these quotas largely by relatives (under the preferential clauses of the act of May 19, 1921, as amended and extended) further bears out the contentions just made.

#### **AFFIDAVITS NOW REQUIRED BY CENTRAL EUROPEAN COUNTRIES.**

The hearings show that quite a number of central European countries are requiring their nationals who seek passports to come to the United States to produce affidavits from relatives or friends in the United States showing intent to support the immigrant on arrival. These affidavits, which are made in the United States, must bear certifications affixed at a consular office in the United States, for which a fee is required ranging from \$5 up. The certificate and application plan outlined in the committee's measure will make these affidavits unnecessary.

#### **CERTAIN EXEMPT CASES.**

In order that the quota figures shall mean exactly what they purport to mean, all persons declared to be of the exempt classes are made exempt from quota and are not counted in quota or out of quota according to circumstances as now, which is a cause of confusion and uncertainty. This change in the method of handling the exempt classes is one of the methods adopted in order to prevent just as far as possible the arrival at the ports of the United States of immigrants not entitled to enter. The committee believes the exemptions, including Government officials and their attendants, travelers, aliens in transit, bona fide students, certain professional classes, certain highly skilled contract laborers, sailors in pursuit of their calling, to be necessary.

#### **HARDSHIPS TO BE MINIMIZED.**

The main purpose of the House committee's bill, as shown by various clauses in the several sections, is, while further restricting immigration, to reduce hardships to the absolute minimum, to avoid the division of families, to save the nationals of other countries the expense, perils, and hardships of the ocean trip to the United States only to find that for any one of various reasons the immigrant or some member of his family may not enter. Under this plan there will be no further decisions of admission or exclusion based on a circumstance such as the horsepower of a ship or the location of an immigrant's name in alphabetical order on a manifest. A certificate plan has been devised and carefully worked out. It has the approval of all thoughtful students of the problems of immigration. It is the nearest approach to the examination of immigrants overseas, recommended by President Harding and so many others, that the United States may safely adopt unless we are willing that medical, physical, and mental examinations made in other lands shall be final, and that the making of such examinations shall be a subject of treaty regulations.

## THE PRESIDENT'S RECOMMENDATION.

The recommendations of President Harding, in his message at the opening of the fourth session of the Sixty-seventh Congress, in regard to the above, were as follows:

Before enlarging the immigration quotas we had better provide registration for aliens, those now here or continually pressing for admission, and establish our examination boards abroad, to make sure of desirables only. By the examination abroad we could end the pathos at our ports, when men and women find our doors closed, after long voyages and wasted savings, because they are unfit for admission. It would be kinder and safer to tell them before they embark.

## CERTIFICATE PLAN OF CONTROL.

The certificate plan has been built up from suggestions of former Commissioner General Caminetti, Secretary of Labor Davis, the present Commissioner General, Mr. Husband, and others. All of these suggestions have been developed until a workable system has been devised which embraces the following steps:

(A) Application for admission as a quota or nonquota immigrant.  
(1) Filling out of blank (furnished free of charge) with name and vital statistics.

(2) Answers on the blank to questions approximately the same as are asked of the immigrant on arrival at Ellis Island or other United States port.

(3) Verification by oath before United States consular officer.

(B) Issuance by consular officer of quota or nonquota certificate.

(1) Means of identification.

(2) No more quota certificates to be issued than indicated by quota figures.

(3) Certificate does not entitle immigrant to enter United States.

(4) Certificates are taken up at port of entry and a certificate of arrival with photograph and identification is issued.

(5) This certificate of arrival may be used for naturalization purposes in lieu of the present unsatisfactory plan.

(C) Application by relatives in the United States.

(1) Prospective immigrants claiming to be in the nonquota classification by reason of certain relationship to persons in the United States shall not receive certificates except on authority of the Commissioner General of Immigration, to whom application must be made by the relatives under safeguarded conditions.

## CAREFUL SUPERVISION.

A foundation is laid by the above plan for carrying out the recommendation of President Harding in regard to registration. The President said:

There are pending bills for the registration of the alien who has come to our shores. I wish the passage of such an act might be expedited. Life amid American opportunities is worth the cost of registration if it is worth the seeking, and the Nation has the right to know who are citizens in the making or who live among us and share our advantages while seeking to undermine our cherished institutions. This provision will enable us to guard against the abuses in immigration, checking the undesirable whose irregular coming is his first violation of our laws. More, it will facilitate the needed Americanizing of those who mean to enroll as fellow citizens.

The coming of aliens in the future, under the committee's amendment, is to be carefully supervised and properly recorded. That in itself will lead in time to a system of registration of aliens—possibly as a part of the naturalization process.

#### PERMITS TO REENTER THE UNITED STATES.

A counterpart to the certificate plan is the plan (sec. 9) by which an alien in the United States about to depart for a temporary visit abroad, may secure, on payment of \$3, a permit to reenter the United States within a stated period. This permit is made necessary because a declarant can not receive a passport from the United States; neither can he receive passport or similar paper from the country to which he formerly owed allegiance. This permit has no effect under the immigration laws except to identify the alien, and to show that he is returning.

#### ALIEN SEAMEN.

Important provisions relate to the admission of alien seamen. When the Burnett Act (Feb. 5, 1917) was being written, sections 31 and 32 were drafted for the handling of alien seamen. These sections were admitted at the time to be experimental, and for some time it has been apparent that they were not at all satisfactory; in fact, were the loopholes which permitted many aliens (including the excluded Chinese) to enter and remain in the United States. The medical and physical examinations contemplated have not been successful. A landing card system was provided for sailors, but, owing to its expense and want of appropriation, that system had to be dropped. Masters have failed to detain sailors on board for examination, and some have escaped punishment owing to inability of the Labor Department to "serve notice in writing" in advance, as required by section 32.

New York State complains bitterly of the dumping of diseased and insane sailors within its borders, to be an expense to its asylums and to be deported in many cases at the expense of the State rather than the Nation.

The further necessity for these provisions is shown in hearings (Alien Seamen, Serial 6-c, 1923), and in the report of the Secretary of Labor (1922, p. 101). Also in Appendix II, report of Commissioner General of Immigration, 1922.

#### RIGHTS OF SEAMEN PROTECTED.

In the amendment offered these provisions are corrected. The rights of alien sailors under the seamen's act are fully protected. They may quit at any port of the United States, even if aliens ineligible to citizenship, but must have identification landing cards (furnished by the shipping companies) and are ashore on a time limit. Bond of any description in any amount may be required, and the Secretary of Labor under these provisions will be able to prevent the Chinese and others from entering the United States by the mere forfeiture of a \$500 bond. One United States Shipping Board ship recently turned in \$29,000 in \$500 bonds forfeited, representing the illegal entry of 58 Chinese. On another ship, where visual physical examination was unexpectedly made, many members of the crew including those waiting on the tables and supplying food to passengers, were found to be suffering from loathsome diseases.

## ADMISSIBLE AS QUOTA IMMIGRANTS.

Under the plan of straight quota immigrants (none of exempt classes included) the numbers possible to be admitted are as follows, compared with quota possibilities under the present law:

	Present quota, 3 per cent, 1910.	2 per cent, 1890.		Present quota, 3 per cent, 1910.	2 per cent, 1890.
Albania.....	268	4	Rumania.....	7,419	638
Armenia.....	230	13	Bessarabian region.....	2,792	258
Austria.....	7,451	1,103	Russia.....	21,013	1,992
Belgium.....	1,565	510	Estonian region.....	1,348	124
Bulgaria.....	302	61	Latvian region.....	1,540	142
Czechoslovakia.....	14,557	2,031	Lithuanian region.....	2,310	313
Danzig.....	301	228	Spain.....	912	91
Denmark.....	5,619	2,785	Sweden.....	20,042	9,561
Finland.....	3,921	472	Switzerland.....	3,752	2,062
Fiume.....	71	11	United Kingdom.....	77,342	62,458
France.....	5,729	3,914	Yugoslavia.....	6,428	551
Germany.....	67,607	51,227	Other Europe.....	86	5
Greece.....	3,294	47	Palestine.....	57	1
Hungary.....	5,638	474	Syria.....	928	13
Iceland.....	75	37	Turkey.....	2,358	129
Italy.....	42,677	3,912	Other Asia.....	81	45
Luxemburg.....	92	58	Africa.....	122	44
Mexico.....	130	114	Atlantic Islands.....	121	41
Netherlands.....	3,607	1,637	Australia.....	279	120
Norway.....	12,202	6,454	New Zealand and Pacific Islands.....	80	42
Poland.....	21,076	5,156			
Eastern Galicia.....	5,786	570			
Prussia.....	4,254	385			
Portugal.....	2,405	474	Total.....	357,503	160,837

## TO AVOID CONFUSION.

It must be borne in mind that under the present law certain exempted classes are counted in the quotas, if the quotas are open, and admitted, nevertheless, after quotas are filled. Not a great many have been admitted as exempts in excess of quotas, but a great deal of confusion and uncertainty has resulted, which in the opinion of the committee is unnecessary. In addition, when quotas are nearly closed, persons desiring to immigrate are unable to make sure that they will be included, or whether a quota place expected by them will not be filled by some "exempt."

Further, the decision in the case of Gittel Gottlieb and Israel Gottlieb (United States Circuit Court of Appeals for the Second Circuit) has influenced the committee in the preparation of the clauses which admit wives and children of certain exempted classes. Tables showing possible admissions if 1900 or 1910 censuses were used as a base for 2 per cent admissions are presented for the sake of comparison:

	2 per cent, 1900.	2 per cent, 1910.		2 per cent, 1900.	2 per cent, 1910.
Albania.....	21	192	Finland.....	1,256	200
Armenia.....	37	154	Fiume.....	20	3,746
Austria.....	2,070	4,565	France.....	3,726	2,614
Belgium.....	660	1,042	Germany.....	50,837	45
Bulgaria.....	22	202	Greece.....	190	3,820
Czechoslovakia.....	3,844	9,705	Hungary.....	1,105	45,072
Danzig.....	226	200	Iceland.....	44	2,196
Denmark.....	3,207	3,746	Italy.....	10,176	3,789

	2 per cent, 1900.	2 per cent, 1910.		2 per cent, 1900.	2 per cent, 1910.
Luxemburg.....	61	61	Switzerland.....	2,314	2,502
Memel.....	113	100	United Kingdom.....	55,717	51,542
Netherlands.....	1,900	2,405	Yugoslavia.....	1,575	4,284
Norway.....	6,757	8,135	Other Europe.....	2	58
Poland.....	7,558	14,051	Palestine.....	4	38
Eastern Galicia.....	1,027	3,858	Syria.....	67	619
Pinsk.....	1,045	2,856	Turkey.....	384	1,692
Portugal.....	916	1,644	Other Asia.....		54
Rumania.....	1,444	4,945	Africa.....	52	82
Bessarabian region.....	681	1,862	Atlantic islands.....	46	81
Russia.....	5,272	14,409	Australia.....	140	186
Eathonian region.....	329	899	New Zealand and Pacific Islands.....	53	54
Latvian region.....	376	1,027			
Lithuanian region.....	564	1,540			
Spain.....	148	608			
Sweden.....	11,072	13,362	Total.....	183,249	228,693

## QUOTAS SPREAD OVER YEAR.

Those who think that 2 per cent on the 1900 census might be better than 2 per cent on the 1890 census must remember that all "exempt classes" or "nonquota" immigrants are entirely outside of the quota, which is designed entirely as an immigration bonus, or excess, in the most limited degree possible, for use as an escape valve, for the purpose of preventing absolute rigidity. The plan which divides up the issuance of quota certificates into 10 monthly periods (instead of a limit of 20 per cent per month, as now), leaving two months open for "catch-up" purposes, is provided for the same reason. It must be remembered, however, that the gross number of "quota" immigrants is fixed, and that all computations are based on the number of certificates issued by consular officers. No more can be issued than the limit. Unused ones are not reissued. Certificates are good for six months, and quota immigrants may take ship with the knowledge that there need be no racing of ship against ship in the struggle for the goal within the hour of quota exhaustion.

## AGREEMENTS, TREATIES, AND CONVENTIONS.

The measure offered by the House committee will restrict immigration greatly. It will place the regulation of immigration on more nearly a scientific plan than anything heretofore attempted, and it will if continued for but a few years provide the way for the handling of immigration to the United States just as the people of the United States—all aliens now here are included in the magnificent words of the preamble of the Constitution, "We, the people of the United States"—want it to be handled safely, sanely, humanely, with due regard for the right of the family to be considered as a unit, but with particular care for the welfare of the United States, the protection of the interests now and for all time of all of its great population—110,000,000—and the generations to follow them. This protection is an inherent right. The State Department will recognize no representations from other countries that interfere or threaten to interfere with that right. Congress will not enact laws which jeopardize in the slightest degree that right. Our treaty-making powers will make no convention or treaty that takes away from this genera-

tion or any future generation the right to protect the solidarity, the comfort, the safety of our Nation and those who comprise or may comprise it.

#### PERSONS WHO MAY NOT BE NATURALIZED.

The Supreme Court of the United States has recently decided that the nationals of oriental countries are not entitled to be naturalized as citizens of the United States under our naturalization laws, which limit naturalization to "free white persons and to aliens of African nativity and to persons of African descent" (sec. 2129, act of Feb. 18, 1875, amending act of July 14, 1870). (Decided Nov. 13, 1922, 258 U. S. —.)

Hence the House committee feels fully justified in offering in its measure provisions to correct the so-called "gentlemen's agreement," which is understood to be a mere memorandum, and which was given some strength several years after its promulgation, by the attaching to the commercial treaty with Japan (1911) of the following memorandum:

FEBRUARY 24, 1911.

In proceeding this day to the signature to the treaty of commerce and navigation between Japan and the United States the undersigned, Japanese ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Y. UCHIDA.

#### GENTLEMEN'S AGREEMENT GOVERNING IMMIGRATION FROM JAPAN.

To clearly understand the above it is necessary to know something about the original agreement; so the following statement relating to the so-called gentlemen's agreement, or Root-Takahira agreement, is reprinted:

[From the report of the Commissioner General of Immigration for 1906, p. 125.]

To section 1 of the immigration act, approved February 20, 1907, a provision was attached reading as follows:

"That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any other country than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit certain citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions, or from the Canal Zone."

This legislation was the result of a growing alarm, particularly on the Pacific coast and in States adjacent to Canada and Mexico, that labor conditions would be seriously affected by a continuation of the then existing rate of increase in admissions to this country of Japanese of the laboring classes. The Japanese Government had always maintained a policy opposed to the emigration to continental United States of its subjects belonging to such classes, but it has been found that passports granted by said Government to such subjects entitling them to proceed to Hawaii or to Canada or to Mexico were being used to evade the said policy and gain entry to continental United States. On the basis of the above-quoted provision, the President, on March 14, 1907, issued a proclamation excluding from continental United States "Japanese or Korean laborers skilled or unskilled, who had received passports to go to Mexico, Canada, or Hawaii, and come therefrom."



Department circular No. 147, dated March 26, 1907, which has been continued in force as rule 21 of the immigration regulations of July 1, 1907, outlined the policy and procedure to be followed by the immigration officials in giving effect to the law and proclamation.

In order that the best results might follow from an enforcement of the regulations, an understanding was reached with Japan that the existing policy of discouraging emigration of its subjects of the laboring classes to continental United States should be continued, and should, by cooperation of the Government, be made as effective as possible. This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are non-laborers, or are laborers who, in coming to the continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country, so that the three classes of laborers entitled to receive passports have come to be designated "former residents," "parents, wives, or children of residents," and "settled agriculturists."

With respect to Hawaii, the Japanese Government of its own volition, stated that, experimentally at least, the issuance of passports to members of the laboring classes proceeding thence would be limited to "former residents" and "parents, wives, or children of residents." The said Government has also been exercising a careful supervision over the subject of emigration of its laboring class to foreign contiguous territory.

#### NOT A TEXT BUT A CORRESPONDENCE.

Statements brought out in House Committee on Immigration and Naturalization hearings on labor problems in Hawaii, 1921 (hearings, 67th Cong., 1st sess., pp. 213-941), shed some light on the preparation of the agreement:

The CHAIRMAN. As a matter of fact, was not this gentleman's agreement built up as the result of exchanges of correspondence between diplomatic officials of the United States and diplomatic officials of Japan?

Mr. MACMURRAY (of State Department). Yes, sir; it is not embodied in a single text, but it appears in the course of some long and argumentative correspondence between our embassy at Tokyo and the Japanese foreign office.

The CHAIRMAN. It was the result of a series of diplomatic exchanges?

Mr. MACMURRAY. Yes, sir.

The CHAIRMAN. Is the gentleman's agreement a little memorandum laid on top of a pile of letters?

Mr. MACMURRAY. No, sir; it is not a memorandum or document in itself, but the gentleman's agreement is embodied in statements passing back and forth between them in the course of the correspondence.

The CHAIRMAN. We have never had the text of the agreement.

Mr. MACMURRAY. This is the statement of the Commissioner General of Immigration.

The CHAIRMAN. But that is not a State Department publication.

Mr. MACMURRAY. No, sir.

Mr. WILSON. It is more properly a gentleman's understanding than a gentleman's agreement.

#### DIFFERS AS TO TERRITORY OF HAWAII.

It will be noted from the text above that the "gentlemen's agreement," in so far as it purports to apply to the Territory of Hawaii, is a little different than for the United States.

This brings a new set of vexing problems, too intricate to be discussed here, but always standing in the way of every effort and adding to the difficulties of the construction of permanent immigration legislation. Hawaii is a Territory of the United States and not an insular possession.

## IMMIGRATION AND TREATIES.

During consideration of various bills by the committee one of its members, Representative Box, was designated to make a study of immigration and treaties, and his statement (hearings, Committee on Immigration and Naturalization, 67th Cong., 4th sess., p. 493) follows in part:

Moreover, our experience as to the attitude of our Presidents toward this problem should warn us of the great danger of passing absolute or chief control of it to him.

The President's constant contact with delicate and difficult questions of our foreign relations and the necessity of maintaining cordial diplomatic relations with foreign countries expose him and his advisors and agencies to the constant tendency toward too great liberality in immigration regulations.

Our own people now almost uniformly confess that we have in the past been liberal to the point of ruinous looseness in our immigration policies, but even such restrictive measures as have been adopted in the past have nearly all been enacted in the face of Executive opposition. Nearly every step forward in the policy of restriction has been taken by overstepping the President's veto of restrictive laws.

In 1879 President Hayes vetoed the first Chinese-exclusion act (21 C. R. 580). In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years (21 C. R. 581). On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates (21 C. R. 573). President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates (p. 101, Rec., special sess., 59th Cong.). In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

In 1868 the Burlingame treaty between the United States and China declared it to be the inalienable right of men to migrate and emigrate at will. California had then been, for 15 years, alarmed and in trouble on account of the coming of great numbers of Chinese. The California Legislature had passed laws in efforts to protect the State. Pacific coast cities had passed ordinances for the same purpose. Congress itself, in 1862, had taken note of the degradation and slavery of Chinese coolie laborers, and had forbidden American ships to transport them. This was seven years before the Burlingame treaty was made by the President and ratified by the Senate, declaring the right of such people to migrate to the United States to be "inalienable." So aptly did the treaty-making power deal with the problem in that instance.

Conditions in California and on the Pacific coast were then and soon afterwards so bad that, in 1872, California was pleading with Congress for the exclusion of the Chinese; that is, for the deprivation of the "inalienable right" of Chinese to come to America in tens or even hundreds of millions.

A congressional committee was sent to California, where it found conditions very bad. In 1879 Congress passed what was practically a Chinese exclusion act and undertook to abrogate the obnoxious sections of the Burlingame treaty of 1868.

Here another unfortunate incident to immigration regulation by treaty developed.

President Hayes vetoed the exclusion act, giving as one reason his contention that Congress had no right to abrogate a treaty. His action illustrated the fact that the President can nullify an exclusion act of Congress and that Congress has no power to relieve the country of a treaty so dangerous as was that one by any majority less than two-thirds of both branches. President Hayes claimed that Congress had no power to abrogate a treaty at all.

The President can make such a treaty with the approval of two-thirds of one branch of Congress.

A new treaty was made by the United States and China in 1880, in which China succeeded in limiting the freedom of the United States to deal with Chinese immigration in its own way. This treaty stipulated that the United States might limit or suspend the coming of laborers only and prohibited the United States to forbid general Chinese immigration.

In 1880 Congress passed an act suspending Chinese immigration for 20 years. President Arthur vetoed the act, chiefly on the ground that a 20-year suspension of Chinese immigration was not "reasonable" within the meaning of that term in the clause of our treaty with China permitting the United States to limit or suspend the coming of laborers in such a manner and to such extent as "shall be reasonable."

It was soon found that this immigration treaty was unwise, and the United States asked China to agree to its abrogation. She objected and delayed until Congress passed a drastic Chinese exclusion law, from which the President withheld his approval until he became convinced that China would not enter a new treaty abrogating the treaty of 1880, of which the United States was now anxious to be rid.

President Roosevelt made an agreement, which he insisted on having treated as valid and binding, as being supreme law, without even consulting the Senate about it. He called it a "treaty."

If I may be permitted to say so, I doubt whether the gentleman's agreement made by President Roosevelt, to which the gentleman evidently refers, has any force or has ever had any force that America ought to recognize. To say that the President can by some secret understanding hidden in his bosom or by some written memorandum hidden in the archives of the Department of State, never submitted to the Senate, establish a law, a supreme law of the land, binding on the legislatures of States, binding on this body and the whole country, would be most extraordinary. That is the construction given to the gentleman's agreement. President Roosevelt, who made it, based his action on the facts as he saw them then. He would unquestionably say now that it did not work properly.

#### ROOSEVELT ON THE GENTLEMEN'S AGREEMENT.

After a good deal of discussion we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that if there was such emigration the United States would at once pass an exclusion law. It was of course infinitely better that the Japanese should stop their own people from coming rather than we should have to stop them, but it was necessary for us to hold this power in reserve.

Unfortunately, after I left office a most mistaken and ill-advised policy was pursued toward Japan, combining irritation and inefficiency, which culminated in a treaty under which we surrendered this important and necessary right. It was alleged in excuse that the treaty provided for its own abrogation; but of course it is infinitely better to have a treaty under which the power to exercise a necessary right is explicitly retained rather than a treaty so drawn that recourse must be had to the extreme step of abrogating if it ever becomes necessary to exercise the right in question. (Theodore Roosevelt: An Autobiography, p. 414.)

Quotations with reference to the "gentlemen's agreement" have been made more freely, perhaps, than is necessary in a report from a committee of Congress, advocating passage of a measure, but have been made because of continued difficulty in finding the so-called text of the "agreement," and because of the shortage of copies of House hearings for the past two or more years on the many phases of the problems which attend each attempt to write a satisfactory immigration act.

The provisions of the committee's proposal in reference to the admission and nonadmission of "persons ineligible to citizenship" are as follows:

An immigrant not eligible to citizenship shall not be admitted to the United States unless such immigrant is admissible as a non-quota immigrant under the provisions of subdivision (c), (e), or (h), of section 4.

The subdivisions of section 4 referred to are as follows:

(c) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(e) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, professor of a college or seminary, or member of any recognized learned profession;

(h) An immigrant who is a bona fide student over sixteen years of age and who seeks to enter the United States solely for the purpose of study at an accredited educational institution particularly designated by him and approved by the Secretary.

The committee believes that these exceptions serve to clarify the "gentlemen's agreement," and that the enactment of the plan into law will end in a satisfactory manner, without friction, a most troublesome problem.

#### THE NEAR EAST REFUGEE PROBLEM.

It is not possible for the United States to offer more than a modicum of relief even if immigration restrictions were greatly relaxed. Principal relief must be through the association known as the Near East Relief. This organization shipped overseas in 1921, 13,408 tons of clothing, food, medical supplies, and other commodities, valued at \$2,186,833; and up to November 30, 1922, shipped 25,322 tons, valued at \$4,251,074.

The total value of Near East Relief's operations to date approximate \$73,000,000.

The report of this association, February, 1923, says:

Refugees now homeless and without adequate provision for food and shelter for the coming winter, 1,250,000.

Refugees threatened in Anatolia and Constantinople, and even now in flight from regions which may witness a greater disaster than Smyrna, 1,250,000.

Total number now homeless or threatened with exile, 2,500,000. In the face of this tragic situation, it is impossible to estimate the probable mortality as these millions of destitute people try to weather the rigors of winter in their shelterless condition. The deaths are estimated to number a thousand a day. Without doubt, thousands more of children will be thrown upon the world's charity.

High officials of the Near East organizations have told this committee that it is not desired to bring either 5,000,000, or any part of that number of Armenian orphans and homeless children to the United States. They could not be placed. To bring that number would cost \$7,000,000. Probably as many refugees are Greeks as are Armenians.

#### COMMON LABOR.

Employers of labor in the United States have undertaken to show to the committee that there is a shortage of common labor; that aliens must be had to do the rough work, the trench digging, the excavations, the road building, the repairing of railroad beds, the handling of heavy raw materials, etc., and, while the committee agrees that there has been recently an absence of unemployment—quite striking in comparison with the fact that 5,000,000 or more wage earners were out of work in the United States only 12 or 14 months ago—the committee is of the opinion expressed by Walter Renton Ingalls, engineer and author, of Mount Vernon, N. Y., that "the alleged labor shortage and the effect of immigration curtailments are being misunderstood and overrated." (Hearings, serial 6-C.) Mr. Ingalls says:

Although business activity in the United States increased greatly in 1922 in comparison with the abyss of 1921, I do not find from examination of the statistical evidence that the rate of production in the latter part of 1922 was any higher than in 1913. The aggregate production of raw materials was about the same in 1922 as in 1913. Factory employment in the State of New York, which is considered to afford a fairly reliable sample for the whole country, rose in the latter part of 1922 about to the level of the middle of 1914 when this series of figures began. Building construction in 1922, while the greatest on record in terms of dollars, appears from my own studies of this subject to have been less in terms of quantity in 1922 than in 1913.

All this is offered with no intention of contradicting representations of shortage in labor of some kinds and at some places. That such shortage exists is evinced by the fact that employers have had to increase wages to get the labor they need, which they would not do unless they had to. I find it difficult, however, to attribute that condition solely to curtailment of immigration by the terms of the Dillingham law which has been in operation for only little more than a year. During that year the net immigration was higher than in three other years since 1913 during which the United States was making a larger production than in 1922 without there being any serious complaint of labor shortage. Moreover the transition from the first quarter of 1922, when unemployment was at the maximum, to the suppositious conditions of the fourth quarter is rather too kaleidoscopic.

The House committee had before it many witnesses on the labor phase of the immigration problem (hearings, 5-C, 67th Cong., 4th sess., pp. 227-599) and received letters, telegrams, statements, and arguments from many others. (Hearings, Serial 6-C, 1923.) Those who advocated the admission of laborers were unable to solve the problem of quantity or the problem of when to admit these laborers' wives and dependents. This is the very problem that has led to the inclusion of the relatives provision in the House measure. The committee was unable to concur in the arguments of James A. Emery, representing the National Association of Manufacturers, that laborers in bulk might be brought here from certain countries, to be placed at certain points, and to be sent back at a definite time. The recommendation of the Manufacturers' Association that "the United States assert the right to register, distribute, educate, and otherwise supervise the alien during the period of his alienage" can not be sustained for the reason that "distribution" and "supervision" might develop a system of peonage abhorrent to the institutions of the United States.

The prosperity of the United States does not depend upon additional unskilled immigrants coming to this country. There are 1,500,000 unemployed now here. Quotas from northwestern Europe are not exhausted. There are 250,000 coal miners who are unemployed regularly due to overabundance of workers in that occupation. Aliens who leave this country temporarily may return within six months outside of quotas. If work was so plentiful, why did more male immigrants go back to their native lands than came here in the fiscal year ended June 30, 1922?

During the first six months of the present fiscal year (ending June 30, 1923) immigrants exceed emigrants by approximately 220,000, with a great increase from northwestern Europe.

The natural resources of the United States—coal, oil, gas, iron, and other minerals, timber, etc.—are not inexhaustible.

William J. Faux, president of the Logan Coal Co., says (hearings, Serial 6-C):

My preference is that the immigration law should be more drastic than at present. I do not believe it necessary for the United States to make all the goods in the world, and we are certainly producing our share when we produce two thirds. We have got enough of the immigrants of southern Europe to last for the next 30 years, if we are to maintain our Americanism.

The committee agrees with the statement of Daniel Willard, president of the Baltimore & Ohio Railroad (hearings, Serial 6-C), who says, in part:

I am in favor of a broad policy of selective immigration, but I am not quite able to harmonize such a policy with the latter part of the statement wherein you say that the National Association of Manufacturers is in favor of letting down the bars anti-

ciently to give our industries and our agriculture the immigrant labor it previously has had to draw from. Previously in our country there was little in our immigration policy of a selective nature. The bars were so thoroughly let down as to permit everybody to come in, the good, bad, and indifferent, and I should regret very much to see that policy resumed.

I believe, however, that it is for the best interests of all in this country that there should be a reasonable incoming of immigration, partly in order to supply the common labor necessary in connection with agriculture and other basic industries, but I would much prefer to see the supply of such labor held at a point less than the actual requirements, if necessary, rather than to remove or lower the proper standard of admission.

The American Federation of Labor, which has a dues-paying membership of over 3,000,000 members, June 30, 1921, at Denver, and again in 1922, urged Congress to "forbid the importation of labor from any country until such time as conditions in our country become stabilized and relations of life more normal."

#### FARM LABOR.

Concerning common labor in connection with agriculture, E. B. Reid, assistant Washington representative of the American Farm Bureau Federation, appeared before the House Committee on Immigration (hearings, p. 283, serial 5-c) with a resolution of that federation adopted at Chicago December 11-14, 1922, as follows:

"We believe there exists a continuing shortage of farm and industrial labor which gravely imperils efficient and economical agricultural production; that, in the national interest, the Congress ought immediately to authorize the Secretary of Labor, upon demonstration of such conditions, to admit otherwise admissible aliens in excess of existing quotas to such extent as is necessary to meet the established needs of agriculture and industry. In estimating quotas fixed by law, due consideration should be given to ascertained immigration. It is, furthermore, essential that, so far as practical, provision should be made to determine the admissibility of aliens either where their passports are viséd or at the principal ports of embarkation."

The CHAIRMAN. Does the American Farm Bureau Federation believe there is an overproduction of farm products this year?

Mr. REID. I think it does, from the statements it has issued.

The CHAIRMAN. They need more laborers just the same.

Mr. REID. Yes, sir; they want to produce crops cheaper.

The CHAIRMAN. They want to produce crops cheaper whether they can dispose of them or not.

J. R. Howard, then president of the Farm Bureau Federation, in a speech at Buffalo, said:

Immigration restriction is undoubtedly affecting the prosperity of the country, and particularly of the farmer.

Mr. Howard declared the present law was limiting the amount of manual labor in this country, and one of its natural and inevitable results was a shifting of labor from the country to the city, presenting a tremendous handicap to the farmer in production.

Another phase of the question mentioned by Mr. Howard was that the restrictive law forced prospective immigrants to seek other shores and become natural competitors of American farmers, adding still more to the depression they had been fighting for three years.

Later he seems to have modified his views, for he says (hearings, Serial 6-C):

Some interests are discussing the letting down of immigration bars on the ground that it is demanded by the agricultural interests. Cheap labor is not what the farmer wants. He himself is a laborer, and the number of those gainfully employed in agriculture indicates that approximately one-half the farms of the country are manned by the farm family itself. To cheapen labor on the farm would be to cheapen the labor of these farmers and their families. The welfare of the country demands that

this be not done, because it would eventually lower the standards of citizenship on our farms. In a democracy like ours the will of the majority rules, and the Nation is infinitely safer with a well-to-do and contented agricultural husbandry than it would be were the manhood and womanhood on our farms lowered in its level through the introduction of cheaper labor from any source whatsoever.

The National Grange, also known as the Patrons of Husbandry, with 1,000,000 dues-paying, farm-home-owning members, in Portland, Oreg., November 16, 1921, adopted the following resolution, which is in line with its previous attitude:

*Resolved*, That the grange approves the principles of the immigration restriction laws (3 per cent quota law) recently passed by Congress as emergency legislation and urges Congress to consider the principles which have been heretofore stated by the National Grange as controlling in this problem; namely, that legislation be provided so that immigration privileges shall be granted to persons who declare their intention of becoming American citizens, and deportation be made possible of all foreigners who do not carry out such declaration and who have not taken out naturalization papers after a limited stated period of residence here and of all persons who seek to destroy the American form of government.

This resolution was reaffirmed at the recent annual (1922) meeting of the Grange in Wichita, Kans.

Resolutions of the American Legion, the Daughters of the American Revolution, the Patriotic Order Sons of America, and the Chamber of Commerce of the State of New York, and many other organizations in favor of continued restriction will be found in the printed reports of various hearings by the committee.

#### SKILLED CONTRACT LABOR.

Paragraph (f) of section 4 exempts from the quota the following:

(f) An immigrant who is a skilled laborer, if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance shall be determined by the Secretary upon the written application of any person interested; such application to be made before the issuance of the immigration certificate, and such determination by the Secretary to be reached after a full hearing and an investigation into the facts of the case.

This is the wording of the Burnett Act (1917), except that the word "may" is changed to "shall," making it mandatory upon the Secretary of Labor to determine the necessity of importing individual highly skilled laborers in any particular instance.

This provision does not apply to the admission of skilled laborers who may come under the present 3 per cent quota limit, or any future quota limit.

#### CONTRACT LABORERS REJECTED.

Examination at the Department of Labor by members of the committee show that so few skilled laborers have been admitted within the past 10 years on account of the provisions of the contract-labor sections of the immigration laws that no statistical records have been kept. One application to admit three or four architectural modelers under contract is now pending.

Numerous aliens arrive at ports of the United States under petty contracts, and because of these contracts are denied admission. The report of the Commissioner General for 1922 says:

During the year 809 alien contract laborers were debarred, as compared with 993 in 1921. During this same period 71 aliens of this class were arrested and deported after having unlawfully entered the country. The number arrested and deported in 1921 for like cause was 152.

Those debarred had in many cases received letters from relatives offering them positions as dressmakers, clerks, butchers, farm hands, etc. Such letters create a violation of the contract-labor provisions of the immigration laws.

Just what classes came in for the fiscal year ended June 30, 1922, is shown by occupations in the following table:

<b>Professional:</b>		<b>Skilled—Continued.</b>	
Actors.....	704	Miners.....	3,227
Architects.....	127	Painters and glaziers.....	881
Corgy.....	1,204	Pattern makers.....	54
Editors.....	66	Photographers.....	194
Electricians.....	713	Plasterers.....	170
Engineers (professional).....	1,103	Plumbers.....	210
Lawyers.....	131	Printers.....	409
Literary and scientific papers.....	392	Saddlers and harness makers.....	96
Musicians.....	714	Seamstresses.....	1,972
Officials (Government).....	744	Shoemakers.....	2,247
Physicians.....	458	Stokers.....	344
Sculptors and artists.....	164	Stonecutters.....	162
Teachers.....	2,118	Tailors.....	4,331
Other professional.....	2,317	Tanners and curriers.....	99
<b>Total.....</b>	<b>10,955</b>	Textile workers (not specified).....	131
<b>Skilled:</b>		Tinners.....	176
Bakers.....	1,620	Tobacco workers.....	20
Barbers and hairdressers.....	1,138	Upholsterers.....	78
Blacksmiths.....	880	Watch and clock makers.....	280
Bookbinders.....	97	Weavers and spinners.....	1,262
Brewers.....	35	Wheelwrights.....	7
Butchers.....	1,060	Woodworkers (not specified).....	89
Cabinetmakers.....	100	<b>Other skilled.....</b>	<b>2,472</b>
Carpenters and joiners.....	3,930	<b>Total.....</b>	<b>51,588</b>
Cigarette makers.....	30	<b>Miscellaneous:</b>	
Cigar makers.....	147	Agents.....	611
Cigar packers.....	7	Bankers.....	125
Clerks and accountants.....	9,444	Draymen, hackmen, and teamsters.....	308
Dressmakers.....	3,726	Farm laborers.....	10,529
Engineers (locomotive, marine, and stationary).....	931	Farmers.....	7,670
Furriers and fur workers.....	131	Fishermen.....	165
Gardeners.....	431	Hotel keepers.....	32,726
Hat and cap makers.....	165	Labovers.....	202
Iron and steel workers.....	751	Manufacturers.....	7,278
Jewelers.....	145	Merchants and dealers.....	44,531
Locksmiths.....	540	Servants.....	11,172
Machinists.....	1,291	<b>Other miscellaneous.....</b>	<b>115,903</b>
Mariners.....	2,845	<b>Total.....</b>	<b>115,903</b>
Masons.....	1,411	<b>No occupation (Including women and children).....</b>	
Mechanics (not specified).....	1,653		<b>131,050</b>
Metal workers (other than iron, steel, and tin).....	187	<b>Grand total.....</b>	<b>300,556</b>
Millers.....	177		
Milliners.....	600		

Departures for the fiscal year ended June 30, 1922, of emigrant aliens, classified by occupations, are shown in the following table:

<b>Professional:</b>		<b>Skilled—Continued.</b>	
Actors.....	158	Carpenters and joiners.....	1,184
Architects.....	63	Cigarette makers.....	5
Clergy.....	526	Cigar makers.....	215
Editors.....	23	Cigar packers.....	7
Electricians.....	131	Clerks and accountants.....	2,027
Engineers (professional).....	379	Dressmakers.....	357
Lawyers.....	57	Engineers (locomotive, marine, and stationary).....	215
Literary and scientific persons.....	154	Furriers and fur workers.....	38
Musicians.....	229	Gardeners.....	221
Officials (Government).....	278	Hat and cap makers.....	20
Physicians.....	157	Iron and steel workers.....	195
Sculptors and artists.....	111	Jewelers.....	86
Teachers.....	456	Locksmiths.....	40
Other professional.....	611	Machinists.....	948
<b>Total.....</b>	<b>3,313</b>	Mariners.....	1,224
<b>Skilled:</b>		Masons.....	359
Bakers.....	547	Mechanics (not specified).....	709
Barbers and hair dressers.....	375	Metal workers (other than iron, steel, and tin).....	53
Blacksmiths.....	302	Millers.....	79
Bookbinders.....	18	Milliners.....	52
Brewers.....	21	Miners.....	3,267
Butchers.....	373	Painters and glaziers.....	349
Cabinetmakers.....	146	Pattern makers.....	12



## Skilled—Continued.

Photographers.....	54
Plasterers.....	39
Plumbers.....	65
Printers.....	77
Saddlers and harness makers.....	21
Seamstresses.....	134
Shoemakers.....	821
Stokers.....	195
Stonecutters.....	93
Tailors.....	981
Tanners and curriers.....	28
Textile workers (not specified).....	67
Tinners.....	40
Tobacco workers.....	1
Upholsterers.....	19
Watch and clock makers.....	34
Weavers and spinners.....	532
Wheelwrights.....	8
Woodworkers (not specified).....	28
Other skilled.....	1,250
<b>Total.....</b>	<b>17,958</b>

## Miscellaneous:

Agents.....	207
Bankers.....	126
Draymen, hackmen, and teamsters.....	84
Farm laborers.....	2,680
Farmers.....	5,036
Fishermen.....	154
Hotel keepers.....	97
Laborers.....	100,058
Manufacturers.....	152
Merchants and dealers.....	4,328
Servants.....	5,212
Other miscellaneous.....	4,343
<b>Total.....</b>	<b>122,497</b>
No occupation (including women and children).....	54,944
<b>Grand total.....</b>	<b>198,712</b>

The following condensed table shows naturalized citizens permanently departed during the fiscal year ended June 30, 1922, by occupations:

## Professional:

Actors.....	14
Architects.....	7
Clergy.....	94
Editors.....	5
Electricians.....	14
Engineers (professional).....	45
Lawyers.....	9
Literary and scientific persons.....	14
Musicians.....	28
Officials (Government).....	9
Physicians.....	21
Sculptors and artists.....	7
Teachers.....	48
Other professional.....	48
<b>Total.....</b>	<b>361</b>

## Skilled:

Bakers.....	59
Barbers and hairdressers.....	57
Blacksmiths.....	27
Bookbinders.....	4
Brewers.....	2
Butchers.....	53
Cabinetmakers.....	23
Carpenters and joiners.....	122
Cigarette makers.....	1
Cigar makers.....	10
Cigar packers.....	1
Clerks and accountants.....	259
Dressmakers.....	12
Engineers (locomotive, marine, and stationary).....	45
Furriers and fur workers.....	4
Gardeners.....	18
Hat and cap makers.....	8
Iron and steel workers.....	26
Jewelers.....	13
Locksmiths.....	1
Machinists.....	107
Mariners.....	39
Masons.....	39
Mechanics (not specified).....	104
Metal workers (other than iron, steel, and tin).....	7
Millers.....	2

## Skilled—Continued.

Milliners.....	8
Miners.....	188
Painters and glaziers.....	35
Pattern makers.....	3
Photographers.....	3
Plasterers.....	2
Plumbers.....	11
Printers.....	18
Saddlers and harness makers.....	3
Seamstresses.....	6
Shoemakers.....	47
Stokers.....	13
Stonecutters.....	10
Tailors.....	94
Tanners and curriers.....	3
Textile workers (not specified).....	4
Tinners.....	2
Upholsterers.....	2
Watch and clock makers.....	8
Weavers and spinners.....	21
Wheelwrights.....	1
Woodworkers (not specified).....	4
Other skilled.....	181
<b>Total.....</b>	<b>1,674</b>

## Miscellaneous:

Agents.....	60
Bankers.....	22
Draymen, hackmen, and teamsters.....	10
Farm laborers.....	114
Farmers.....	671
Fishermen.....	4
Hotel keepers.....	26
Laborers.....	1,469
Manufacturers.....	31
Merchants and dealers.....	470
Servants.....	178
Other miscellaneous.....	674
<b>Total.....</b>	<b>3,729</b>
No occupation (including women and children).....	3,308
<b>Grand total.....</b>	<b>6,072</b>

## CITIZENS PERMANENTLY DEPARTED.

In addition, 70,126 native-born citizens permanently departed for the fiscal year ended June 30, 1922. They comprised 2,302 of the professional classes, 2,725 of the skilled labor classes, 8,714 of the miscellaneous-labor classes, and 56,385 of no occupation (including women and children). These native-born departures were by races or peoples, as follows:

African (black).....	254
Caucasian.....	67,814
Chinese.....	1,181
Japanese.....	877
Total.....	70,126

## SMALL ARRIVALS OF EXEMPT CLASSES.

Tables are available in the report of the Commissioner General of Immigration for 1922, from which can be computed the excess of those admitted as exempts over the quotas. An example will suffice. Italy exhausted its quota of 42,149, but 42,412 persons arrived from Italy, the number coming as exempted persons being but 263. Other countries show similar small figures.

## LATEST IMMIGRATION AND EMIGRATION STATISTICS.

The committee undertook to secure in time for publication in its hearings (6-C) statistics covering immigration and emigration for the first six months of the present fiscal year. Commissioner General Husband prepared these as rapidly as possible, and they are available for this report. They are accompanied by an explanatory letter, as follows:

UNITED STATES DEPARTMENT OF LABOR,  
BUREAU OF IMMIGRATION,  
Washington, February 14, 1923.

HON. ALBERT JOHNSON,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. JOHNSON: I am sending you some sets of statistical tables covering various phases of immigration during the first six months of the present fiscal year. There are others in the series which have not yet come from the mimeograph room, but they are not particularly important, and you and other members of the committee will get the complete outfit through the mailing list within the next two or three days.

I am also sending three tables in which certain phases of immigration and emigration during the first six months, ended December 31, 1922, are compared with the corresponding period in 1921. You will see at a glance the significance of these tables. I was interested in noting the decrease in emigration and the increase in immigration, particularly of the northwestern European stocks, and also the figures concerning the coming and going of farm laborers and laborers. You will note there has been a considerable increase in the numbers coming in and a very great decrease in the numbers going out.

Sincerely yours,

W. W. HUSBAND,  
*Commissioner General.*

*Immigrant aliens admitted to and emigrant aliens departed from the United States during the six months ended December 31, 1921, as compared with the same period of 1922, by races or peoples of northwestern Europe, southern and eastern Europe, and other countries.*

Races of—	Immigrant.		Emigrant.	
	1921	1922	1921	1922
Northwestern Europe.....	70,974	110,016	16,801	11,635
Southern and eastern Europe.....	112,827	127,258	107,255	35,811
Other countries.....	16,320	34,458	13,822	7,603
Total.....	200,121	271,732	137,878	55,136

*Immigrant aliens admitted to and emigrant aliens departed from the United States during the six months ended December 31, 1921, as compared with the same period of 1922, by races or peoples.*

Race or people.	Immigrant.		Emigrant.	
	1921	1922	1921	1922
African (black).....	3,169	3,479	1,069	680
Armenian.....	2,079	1,918	154	58
Bohemian and Moravian (Czech).....	2,825	5,253	2,929	1,232
Bulgarian, Serbian, and Montenegrin.....	1,265	1,641	4,600	1,299
Chinese.....	2,041	2,351	3,823	2,254
Croatian and Slovenian.....	3,542	3,836	3,484	171
Cuban.....	500	77	479	69
Dalmatian, Bosnian, and Herzegovinian.....	230	442	172	117
Dutch and Flemish.....	2,437	2,791	1,394	640
East Indian.....	138	96	157	69
English.....	16,431	24,246	5,375	4,998
Finnish.....	1,487	2,078	872	244
French.....	7,015	11,024	1,757	1,189
German.....	18,256	29,400	3,347	1,432
Greek.....	3,385	3,815	4,903	2,022
Hebrew.....	30,332	33,131	390	315
Irish.....	9,403	14,498	1,299	1,031
Italian (north).....	5,158	8,269	4,723	1,800
Italian (south).....	31,854	33,935	34,214	15,742
Japanese.....	2,858	2,695	2,569	1,758
Korean.....	35	49	27	31
Lithuanian.....	779	1,366	3,409	1,032
Magyar.....	5,516	6,474	3,240	799
Mexican.....	6,227	23,392	4,170	1,353
Pacific Islander.....	4	13	3	2
Polish.....	5,672	9,923	24,020	4,201
Portuguese.....	1,612	2,283	4,760	1,952
Rumanian.....	1,068	1,048	3,357	782
Russian.....	1,191	2,034	1,874	935
Ruthenian (Rusnak).....	578	498	353	17
Scandinavian (Norwegians, Danes, and Swedes).....	8,792	13,513	2,620	1,541
Scotch.....	8,065	13,811	923	745
Slovak.....	4,946	5,892	2,146	317
Spanish.....	1,131	1,846	5,365	2,009
Spanish American.....	820	921	1,027	698
Syrian.....	1,044	962	1,079	516
Turkish.....	32	205	169	83
Welsh.....	575	733	96	45
West Indian.....	588	681	498	375
Other peoples.....	588	349	835	178
Total.....	200,121	271,732	137,878	55,139

*Last permanent residence of immigrant aliens admitted and future permanent residence of emigrant aliens departed during the six months ended December 31, 1921, as compared with the same period of 1922, by countries.*

Countries.	Immigrant.		Emigrant.	
	1921	1922	1921	1922
Austria.....	2,754	5,369	368	144
Hungary.....	5,535	5,645	3,011	693
Belgium.....	1,306	1,425	705	388
Bulgaria.....	267	369	544	109
Czechoslovakia.....	10,725	13,423	5,233	1,517
Denmark.....	1,594	1,815	444	256
Finland.....	1,065	2,856	870	203
France.....	3,155	2,833	1,314	912
Germany.....	2,752	17,850	2,582	1,077
Greece.....	3,329	3,079	4,505	1,983
Italy, including Sicily and Sardinia.....	36,829	41,643	38,702	17,408
Netherlands.....	1,195	1,228	523	238
Norway.....	2,465	3,796	576	533
Poland.....	26,225	19,036	20,114	4,353
Portugal, including Cape Verde and Azores Islands.....	1,009	2,149	4,094	1,883
Rumania.....	5,753	9,567	2,751	844
Russia.....	7,004	11,227	4,387	1,824
Spain, including Canary and Balearic Islands.....	440	645	4,783	1,708
Sweden.....	3,699	6,251	1,117	569

*Last permanent residence of immigrant aliens admitted and future permanent residence of emigrant aliens departed during the six months ended December 31, 1921, as compared with the same period of 1922, by countries—Continued.*

Countries.	Immigrant.		Emigrant.	
	1921	1922	1921	1922
Switzerland.....	2,042	2,278	571	322
Turkey in Europe.....	1,382	2,252	123	103
United Kingdom:				
England.....	9,500	11,835	3,599	3,459
Ireland.....	6,117	9,324	1,109	979
Scotland.....	4,970	8,665	535	511
Wales.....	583	621	41	24
Yugoslavia (Serb, Croat, and Slovene Kingdom).....	5,913	5,687	7,782	1,423
Other Europe.....	246	385	512	107
Total Europe.....	150,002	191,952	118,113	43,568
China.....	2,182	2,741	3,913	2,299
Japan.....	3,090	2,784	2,584	1,782
India.....	217	142	196	95
Turkey in Asia.....	1,820	1,829	1,298	598
Other Asia.....	626	234	46	46
Total Asia.....	7,934	7,730	8,037	4,320
Africa.....	429	401	75	60
Australia, Tasmania, and New Zealand.....	599	433	328	285
Pacific Islands (not specified).....	39	37	24	10
British North America.....	21,979	38,258	2,410	1,538
Central America.....	527	625	545	329
Mexico.....	6,737	23,913	4,479	1,430
South America.....	1,508	2,000	1,036	590
West Indies.....	4,257	6,374	2,506	2,214
Other countries.....	20	9	25	5
Grand total.....	200,121	271,732	137,878	55,139
Male.....	93,260	147,378	100,603	37,253
Female.....	106,861	124,354	37,215	17,884

*Immigrant aliens admitted to and emigrant aliens departed from the United States during the six months ended December 31, 1921, as compared with the same period of 1922, by occupations.*

Occupations.	Immigrant.		Emigrant.	
	1921	1922	1921	1922
Professional:				
Actors.....	392	415	69	81
Architects.....	65	99	35	18
Clergy.....	761	1,047	330	312
Editors.....	51	48	14	9
Electricians.....	356	730	80	49
Engineers (professional).....	609	1,059	223	137
Lawyers.....	81	83	37	28
Literary and scientific persons.....	244	333	88	61
Musicians.....	407	604	141	84
Officials (Government).....	467	289	147	126
Physicians.....	273	379	88	82
Sculptors.....	107	176	71	44
Teachers.....	1,413	1,481	274	255
Other professional.....	1,408	1,462	346	310
Total.....	6,637	8,175	1,918	1,597
Skilled:				
Bakers.....	910	1,503	332	142
Barbers and hairdressers.....	284	1,137	234	182
Blacksmiths.....	553	1,080	207	73
Bookbinders.....	83	84	9	4
Brewers.....	24	9	12	2
Butchers.....	647	1,062	232	122
Cabinetmakers.....	102	161	102	47
Carpenters and joiners.....	2,103	4,472	731	333

*Immigrant aliens admitted to and emigrant aliens departed from the United States during the six months ended December 31, 1921, as compared with the same period of 1922, by occupations—Continued.*

Occupation.	Immigrant.		Emigrant.	
	1921	1922	1921	1922
<b>Skilled—Continued.</b>				
Cigarette makers.....	26	16	5	1
Cigarmakers.....	99	153	66	102
Clear packers.....	1	5	6	3
Clerks and accountants.....	5,471	7,447	1,197	995
Dressmakers.....	2,628	2,608	236	188
Engineers (locomotive, marine, and stationary).....	548	961	138	50
Furriers and fur workers.....	85	146	21	8
Gardeners.....	236	385	132	87
Hat and cap makers.....	103	144	9	6
Iron and steel workers.....	369	1,116	132	47
Jewelers.....	89	148	44	24
Locksmiths.....	344	799	21	9
Machinists.....	669	1,490	685	236
Mariners.....	1,663	2,651	767	239
Masons.....	972	1,709	242	138
Mechanics (not specified).....	1,104	1,878	474	185
Metal workers (other than iron, steel, and tin).....	120	228	42	5
Millers.....	129	139	30	9
Milliners.....	396	412	26	26
Miners.....	1,391	2,621	1,639	480
Painters and glaziers.....	485	917	240	122
Patternmakers.....	27	60	8	2
Photographers.....	118	185	36	18
Plasterers.....	66	180	29	14
Plumbers.....	132	290	37	24
Printers.....	242	313	52	41
Saddlers and harnessmakers.....	82	107	16	1
Seamstresses.....	1,351	1,281	74	51
Shoemakers.....	1,888	2,355	540	286
Stokers.....	205	296	135	38
Stonecutters.....	108	132	61	14
Tailors.....	3,240	3,708	595	343
Tanners and curriers.....	78	83	22	5
Textile workers (not specified).....	92	114	60	7
Tinners.....	127	214	25	17
Tobacco workers.....	12	15	.....	2
Upholsterers.....	46	83	15	9
Watch and clock makers.....	201	203	20	13
Weavers and spinners.....	785	945	340	245
Wheelwrights.....	5	31	8	.....
Woodworkers (not specified).....	53	91	21	12
Other skilled.....	1,428	2,195	765	352
<b>Total.....</b>	<b>32,489</b>	<b>48,612</b>	<b>10,940</b>	<b>5,374</b>
<b>Miscellaneous:</b>				
Agents.....	330	507	119	66
Bankers.....	84	58	66	44
Draymen, hackmen, and teamsters.....	216	279	47	28
Farm laborers.....	6,255	13,635	1,732	564
Farmers.....	4,634	6,545	3,648	1,130
Fishermen.....	263	667	93	36
Hotel keepers.....	109	94	66	22
Laborers.....	20,248	39,496	73,073	23,427
Manufacturers.....	144	187	114	49
Merchants and dealers.....	4,489	5,191	2,562	1,570
Servants.....	31,905	34,301	3,003	2,248
Other miscellaneous.....	6,461	9,578	2,637	1,981
<b>Total.....</b>	<b>74,696</b>	<b>110,628</b>	<b>87,712</b>	<b>31,135</b>
<b>No occupation (including women and children).....</b>	<b>86,487</b>	<b>104,417</b>	<b>37,278</b>	<b>17,033</b>
<b>Grand total.....</b>	<b>209,121</b>	<b>271,732</b>	<b>127,878</b>	<b>55,139</b>

*Inward and outward passenger movement during the six months ended December 31, 1922, by sex and months.*

Sex.	Inward.					Outward.			
	Immigrant aliens admitted.	Nonim- migrant aliens admitted.	United States citizens arrived.	Aliens debarred.	Total arrivals.	Emigrant aliens departed.	Nonemi- grant aliens departed.	United States citizens departed.	Total de- partures.
July:									
Male.....	23,020	7,723	13,035	853	44,631	8,947	8,734	26,492	44,173
Female.....	18,221	4,278	9,244	338	32,081	5,791	7,362	26,577	39,730
Total.....	41,241	12,001	22,279	1,191	76,712	14,738	16,096	53,069	83,903
August:									
Male.....	23,818	7,503	16,370	1,107	48,798	6,971	5,746	11,665	24,382
Female.....	18,917	4,795	15,037	430	39,179	3,477	3,305	9,699	16,481
Total.....	42,735	12,298	31,407	1,537	87,977	10,448	9,051	21,364	40,863
September:									
Male.....	26,784	9,939	26,172	1,080	63,975	4,903	5,879	10,306	21,087
Female.....	23,087	7,196	28,594	448	59,335	2,624	3,855	8,363	14,842
Total.....	49,881	17,135	54,766	1,528	123,310	7,527	9,734	18,668	35,929
October:									
Male.....	28,798	9,529	17,788	1,081	57,196	4,785	6,509	11,107	22,401
Female.....	25,331	7,534	16,900	477	50,242	2,407	4,136	8,439	14,982
Total.....	54,129	17,063	34,678	1,558	107,438	7,192	10,645	19,546	37,383
November:									
Male.....	26,513	7,612	12,050	1,185	47,360	5,204	6,776	9,518	21,498
Female.....	23,301	4,704	9,201	427	37,633	1,873	3,426	5,836	11,135
Total.....	49,814	12,316	21,251	1,612	84,993	7,077	10,202	15,354	32,633
December:									
Male.....	18,445	6,656	10,102	1,133	36,336	6,445	7,428	9,761	23,634
Female.....	15,487	3,396	6,618	408	25,909	1,712	3,245	6,000	10,957
Total.....	33,932	10,052	16,720	1,541	62,245	8,157	10,673	15,761	34,591
Total six months:									
Male.....	147,378	48,962	95,507	6,439	298,286	37,255	41,072	78,848	157,175
Female.....	124,354	31,903	53,594	2,528	244,379	17,984	23,329	64,914	106,127
Total.....	271,732	80,865	181,101	8,967	542,665	55,139	63,401	143,763	263,302

## RESTRICTION OF IMMIGRATION.

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*Net increase or decrease of population by arrival and departure of aliens during the fiscal year ended June 30, 1922, and the six months ended December 31, 1922, by months.*

Month.	Immigrant.	Nonimmigrant.	Total.	Emigrant.	Nonemigrant.	Total.	Increase (+) or decrease (-).
<b>1921.</b>							
July.....	35,564	10,803	46,367	23,226	14,585	37,791	+8,576
August.....	37,902	10,805	48,707	27,616	10,737	38,353	+10,355
September.....	36,217	12,597	48,814	28,556	17,197	45,753	+3,062
October.....	33,261	12,714	45,975	22,990	15,966	38,956	+7,019
November.....	34,438	10,160	44,598	16,256	13,390	29,646	+15,002
December.....	22,639	8,208	30,847	19,236	14,894	34,130	-3,233
<b>1922.</b>							
January.....	15,923	6,705	22,628	7,708	7,877	15,585	+7,043
February.....	10,792	6,851	17,643	7,663	7,360	15,023	+3,220
March.....	14,503	9,736	24,239	8,269	7,427	15,696	+8,543
April.....	18,067	10,169	28,236	13,233	11,730	24,963	+4,274
May.....	24,169	12,711	36,880	12,025	11,122	23,147	+13,733
June.....	24,776	11,460	36,236	12,537	14,407	26,944	+9,292
<b>Total.....</b>	<b>309,550</b>	<b>122,949</b>	<b>432,505</b>	<b>198,712</b>	<b>146,672</b>	<b>345,384</b>	<b>+87,121</b>
<b>1922.</b>							
July.....	41,241	12,001	53,242	14,738	10,066	30,804	+22,438
August.....	42,735	12,258	54,993	10,448	9,061	19,509	+35,484
September.....	49,881	17,133	67,014	7,527	9,734	17,261	+49,753
October.....	54,129	17,063	71,192	7,192	10,645	17,837	+53,355
November.....	49,814	12,316	62,130	7,077	10,302	17,379	+44,751
December.....	33,032	10,032	43,064	8,157	10,673	18,830	+24,234
<b>Total.....</b>	<b>271,732</b>	<b>80,883</b>	<b>352,615</b>	<b>55,139</b>	<b>66,401</b>	<b>121,540</b>	<b>+231,057</b>

*Immigrant aliens admitted to and emigrant aliens departed from the United States during periods specified, by occupations.*

Occupation.	Immigrant.		Emigrant.	
	December, 1922.	July to December, 1922.	December, 1922.	July to December, 1922.
<b>Professional:</b>				
Actors.....	41	415	12	81
Architects.....	16	99	2	18
Clergy.....	165	1,017	32	312
Editors.....	5	48	.....	9
Electricians.....	120	730	9	48
Engineers (professional).....	163	1,029	17	137
Lawyers.....	7	83	5	28
Literary and scientific persons.....	44	333	4	61
Musicians.....	97	601	14	84
Officials (Government).....	26	289	21	126
Physicians.....	50	379	8	82
Sculptors.....	22	176	2	46
Teachers.....	161	1,481	20	255
Other professional.....	165	1,492	43	310
<b>Total.....</b>	<b>1,096</b>	<b>8,175</b>	<b>189</b>	<b>1,507</b>
<b>Skilled:</b>				
Bakers.....	208	1,503	20	142
Barbers and hairdressers.....	129	1,137	23	182
Blacksmiths.....	150	1,080	6	73
Bookbinders.....	6	84	.....	4
Brewers.....	3	2	.....	2
Butchers.....	169	1,052	11	122
Cabinetmakers.....	16	161	4	47
Carpenters and joiners.....	621	4,472	62	338
Cigarette makers.....	.....	16	.....	1
Cigar makers.....	12	153	45	102
Cigar packers.....	.....	5	.....	3
Clerks and accountants.....	964	7,447	121	966
Dressmakers.....	322	2,896	24	188
Engineers (locomotive, marine, and stationary).....	200	961	10	80
Furriers and fur workers.....	25	146	2	8

*Immigrant aliens admitted to and emigrant aliens departed from the United States during periods specified, by occupations—Continued.*

Occupation.	Immigrant.		Emigrant.	
	December, 1922.	July to December, 1922.	December, 1922.	July to December, 1922.
<b>Skilled—Continued.</b>				
Gardeners.....	36	385	14	87
Hat and cap makers.....	20	144	2	6
Iron and steel workers.....	253	1,116	10	47
Jewelers.....	24	148	.....	24
Locksmiths.....	153	790	.....	9
Mechanists.....	241	1,490	19	208
Morimers.....	310	2,531	47	239
Masons.....	133	1,769	33	183
Mechanics (not specified).....	291	1,678	26	165
Metal workers (other than iron, steel, and tin).....	45	228	3	5
Millers.....	27	139	1	9
Milliners.....	51	412	2	26
Miners.....	465	2,621	76	489
Painters and glaziers.....	133	917	26	122
Pattern makers.....	9	66	.....	2
Photographers.....	40	185	2	18
Plasterers.....	41	186	3	14
Plumbers.....	50	290	2	21
Printers.....	49	313	2	41
Saddlers and harness makers.....	19	107	1	1
Seamstresses.....	155	1,291	5	51
Shoemakers.....	249	2,353	43	265
Stokers.....	37	296	2	28
Stonecutters.....	20	132	4	14
Tailors.....	457	3,708	31	343
Tanners and curriers.....	12	83	.....	5
Textile workers (not specified).....	30	114	1	7
Tinners.....	38	214	4	17
Tobacco workers.....	1	15	.....	2
Upholsterers.....	13	83	1	9
Watch and clock makers.....	32	203	.....	13
Weavers and spinners.....	120	945	21	245
Wheelwrights.....	15	31	.....	.....
Woodworkers (not specified).....	10	91	1	12
Other skilled.....	370	2,196	50	352
<b>Total.....</b>	<b>6,822</b>	<b>48,612</b>	<b>762</b>	<b>5,374</b>
<b>Miscellaneous:</b>				
Agents.....	73	507	8	66
Bankers.....	4	58	6	44
Draymen, hackmen, and teamsters.....	39	279	8	28
Farm laborers.....	1,303	13,636	85	564
Farmers.....	1,033	6,545	166	1,130
Fishermen.....	190	687	5	36
Hotel keepers.....	16	94	5	22
Laborers.....	3,383	39,496	4,637	23,427
Manufacturers.....	23	187	10	49
Merchants and dealers.....	758	5,191	199	1,570
Servants.....	3,358	34,301	304	2,248
Other miscellaneous.....	1,346	9,578	277	1,951
<b>Total.....</b>	<b>11,526</b>	<b>110,528</b>	<b>5,610</b>	<b>31,135</b>
<b>No occupation (including women and children).....</b>	<b>14,488</b>	<b>104,417</b>	<b>1,696</b>	<b>17,033</b>
<b>Grand total.....</b>	<b>33,932</b>	<b>271,732</b>	<b>8,157</b>	<b>55,189</b>



*Immigrant aliens admitted to and emigrant aliens departed from the United States during periods specified, by races or peoples.*

Race or people.	Immigrant.		Emigrant.	
	Decem-ber, 1922.	July to Decem-ber, 1922.	Decem-ber, 1922.	July to Decem-ber, 1922.
African (black).....	330	3,479	116	680
Armenian.....	96	1,918	1	58
Bohemian and Moravian (Czech).....	572	6,253	76	1,233
Bulgarian, Serbian, and Montenegrin.....	200	1,641	144	1,289
Chinese.....	334	2,361	357	2,254
Croatian and Slovenian.....	496	3,556	28	171
Cuban.....	44	771	99	468
Dalmatian, Bosnian, and Herzegovinian.....	38	442	11	117
Dutch and Flemish.....	373	2,791	92	640
East Indian.....	23	96	15	69
English.....	3,945	24,246	614	4,996
Finnish.....	201	2,078	19	244
French.....	1,858	11,024	135	1,180
German.....	5,095	29,400	145	1,452
Greek.....	73	3,815	244	2,022
Hebrew.....	6,049	33,131	31	315
Irish.....	1,917	14,488	57	1,034
Italian (north).....	564	8,269	338	1,800
Italian (south).....	1,479	33,935	3,204	15,742
Japanese.....	429	2,695	321	1,758
Korean.....	4	49	8	31
Lithuanian.....	130	1,366	22	1,032
Magyar.....	975	6,474	67	790
Mexican.....	2,190	23,392	296	1,358
Pacific Islander.....		13		2
Polish.....	1,301	9,923	198	4,201
Portuguese.....	49	2,283	265	1,952
Rumanian.....	163	1,048	84	782
Russian.....	411	2,031	55	935
Ruthenian (Russniak).....	91	498	2	17
Scandinavian (Norwegians, Danes, and Swedes).....	1,680	13,513	340	1,541
Scotch.....	2,431	13,811	102	1,745
Slovak.....	412	5,892	30	317
Spanish.....	130	1,846	297	2,009
Spanish-American.....	75	1,921	105	698
Syrian.....	110	1,062	39	516
Turkish.....	4	205	2	83
Welsh.....	116	733	4	45
West Indian.....	80	681	115	375
Other peoples.....	43	389	14	178
Total.....	33,932	271,732	8,151	55,139

*Last permanent residence of immigrant aliens admitted and future permanent residence of emigrant aliens departed, during periods specified, by countries.*

Countries.	Immigrant.		Emigrant.	
	Decem-ber, 1922.	July to Decem-ber, 1922.	Decem-ber, 1922.	July to Decem-ber, 1922.
Austria.....	985	5,369	8	144
Hungary.....	753	5,685	57	698
Belgium.....	118	1,425	79	386
Bulgaria.....	53	369	28	108
Czechoslovakia.....	1,276	13,423	103	1,517
Denmark.....	144	1,818	52	256
Finland.....	202	2,586	19	203
France, including Corsica.....	253	2,833	71	912
Germany.....	2,806	17,859	84	1,077
Greece.....	55	3,079	243	1,983
Italy, including Sicily and Sardinia.....	1,943	41,682	3,511	17,408
Netherlands.....	178	1,228	23	238
Norway.....	378	3,796	130	533
Poland.....	3,222	19,936	216	4,333
Portugal, including Cape Verde and Azores Islands.....	24	2,149	263	1,893
Rumania.....	1,823	9,567	90	844
Russia.....	2,136	11,227	56	1,824
Spain, including Canary and Balearic Islands.....	40	645	253	1,706

*Last permanent residence of immigrant aliens admitted and future permanent residence of emigrant aliens departed, during periods specified, by countries—Continued.*

Countries.	Immigrant.		Emigrant.	
	December, 1922.	July to December, 1922.	December, 1922.	July to December, 1922.
Sweden.....	305	6,251	111	580
Switzerland.....	333	2,278	43	322
Turkey in Europe.....	122	2,252	2	103
United Kingdom:				
England.....	1,513	11,835	419	3,459
Ireland.....	873	9,324	67	979
Scotland.....	1,442	8,063	65	511
Wales.....	74	621	3	24
Yugoslavia.....	704	5,667	157	1,428
Other Europe.....	10	385	8	107
<b>Total Europe.....</b>	<b>21,767</b>	<b>191,932</b>	<b>6,168</b>	<b>43,568</b>
China.....	418	2,741	388	2,209
Japan.....	447	2,784	326	1,782
India.....	20	142	17	95
Turkey in Asia.....	258	1,829	53	568
Other Asia.....	22	234	3	46
<b>Total Asia.....</b>	<b>1,165</b>	<b>7,730</b>	<b>787</b>	<b>4,820</b>
Africa.....	36	401	11	80
Austrasia, Tasmania, and New Zealand.....	31	433	54	285
Pacific Islands (not specified).....	2	37		10
British North America.....	7,554	38,258	217	1,538
Central America.....	64	625	53	329
Mexico.....	2,263	23,913	300	1,480
South America.....	271	2,000	112	860
West Indies.....	779	6,374	454	1,114
Other countries.....		9	1	5
<b>Grand total.....</b>	<b>33,932</b>	<b>271,732</b>	<b>8,157</b>	<b>55,139</b>
Male.....	18,445	147,378	6,445	37,255
Female.....	15,487	124,354	1,712	17,884

*All classes of aliens admitted, departed, deburred, and deported, and United States citizens arrived and departed, during the six months ended December 31, 1922.*

Ports.	Arrivals.				Departures.			
	Admitted.		United States citizens.	Aliens debarred.	Emigrant aliens.	Non-emigrant aliens.	United States citizens.	Aliens deported.
	Immigrant aliens.	Non-immigrant aliens.						
<b>Atlantic ports:</b>								
New York, N. Y.....	184,848	49,179	136,369	2,027	40,725	38,712	111,253	92
Boston, Mass.....	5,881	1,356	4,491	142	3,613	811	3,621	18
Philadelphia, Pa.....	1,561	310	1,082	49	809	163	1,140	3
Baltimore, Md.....	127	28	91	38			28	4
Canadian Atlantic.....	5,512	1,725	7,952	33	644	797	200	27
Portland, Me.....	67	19	11	1	6	152	17	
New Bedford, Mass.....	84		9	6	114	64	62	3
Providence, R. I.....	2,668	401	350	104	907	120	382	2
Newport News, Va.....	54	7		15		2		2
Norfolk, Va.....	146	26	573	17		9	342	10
Savannah, Ga.....	9	5	8	5			1	
Miami, Fla.....	437	1,790	768	11	319	769	852	13
Key West, Fla.....	581	2,662	5,113	39	310	3,934	6,856	6
Other Atlantic.....	27	7	16	5	6		2	5
<b>Ports of Gulf of Mexico:</b>								
Tampa, Fla.....	1,031	1,385	748	29	16	35	31	6
Pensacola, Fla.....	2			4				
Mobile, Ala.....	35	24	60	13	3	6	17	
New Orleans, La.....	508	1,361	2,742	75	317	1,147	2,902	7
Galveston, Tex.....	101	29	281	33	14	29	203	4
Other Gulf.....	9		1	1				1

*All classes of aliens admitted, departed, debarred, and deported, and United States citizens arrived and departed, during the six months ended December 31, 1922—Continued.*

Ports.	Arrivals.				Departures.			
	Admitted.		United States citizens.	Aliens debarred.	Emigrant aliens.	Non-emigrant aliens.	United States citizens.	Aliens deported.
	Immigrant aliens.	Non-immigrant aliens.						
<b>Pacific ports:</b>								
San Francisco, Calif.....	3,429	3,341	3,493	146	2,750	2,734	4,048	21
Portland, Oreg.....	24	7	3	9	21	19	1	22
Seattle, Wash.....	1,326	335	1,128	160	995	976	1,321	32
Canadian Pacific.....	308	1,929	950	45	518	1,664	1,398	6
Alaska.....	27	41	27	8	31	1	21	1
<b>Border stations:</b>								
Canadian border.....	37,710	5,029	8,520	4,067	1,336	8,111	4,600	469
Mexican border.....	23,601	6,931	1,703	1,238	1,011	419	495	493
Mexican border seaports....	168	190	578	9	162	680	886	1
<b>Insular possessions:</b>								
Honolulu, Hawaii.....	1,321	1,501	3,068	20	286	2,167	1,622	3
Porto Rico.....	120	767	1,354	18	136	800	1,191	3
<b>Total.....</b>	<b>271,732</b>	<b>80,865</b>	<b>181,101</b>	<b>8,967</b>	<b>55,139</b>	<b>66,401</b>	<b>143,762</b>	<b>1,259</b>

## VIEW OF THE MINORITY.

The undersigned members of the Committee on Immigration and Naturalization dissent from the report of the majority on H. R. 14273, which is offered as an amendment to S. 4092.

Ever since the 3 per cent restriction quota law and its amendments went into effect, just complaints from every section of the country have been registered against its harsh, inhuman, and unworkable provisions. This was recognized by the Secretary of Labor and the Bureau of Immigration, who were compelled to urge the temporary admission of the wives and children of American citizens and declarants who had not been permitted to enter under the law, owing to its drastic provisions. Public opinion forced the adoption of two amendments which permitted the entry of several thousand Armenian refugees, yet a large number of refugees, as well as the wives and children of American citizens, were deported when the quota of 3 per cent had been reached. No consideration was given to the fact that many of them had left their homes long before they had any reason to believe or expect that the quota of the country of their nativity would be exhausted and although they had received their visés. The bill in a measure aims to remedy the harsh provisions of the present law which caused so much suffering and to prevent in the future a repetition of the same unfortunate conditions. If this provision had been originally adopted, as some of us urged, much of the suffering of those held at Ellis Island and other ports of entry and finally deported would have been avoided. Consequently, we heartily approve the adoption of this provision, which will permit the near-blood relatives to enter as nonquota immigrants.

The provision allowing a basic quota of 400 for all countries will prevent the return and deportation of peoples of small countries who especially have suffered under the unworkable provisions of the present law.

We also heartily approve of the provisions providing for the thorough examination and investigation of immigrants in the ports of embarkation before leaving for the United States, as well as the extremely strict provisions which will require immigration certificates. In fact, we favor every provision which tends to strengthen and safeguard entry and make impossible the admission of any individual immigrant who can not in every way comply with every provision of the present stringent immigration laws. We are irrevocably opposed to the admission of even a single immigrant who is not physically, mentally, and morally fit eventually to become a real American citizen.

We do, however, protest against the reduction in the quota from 3 to 2 per cent, and especially against the per cent being based on the 1890 census in lieu of that of 1920 or 1910. We are of the opinion that it is a deliberate discrimination against the so-called newer immigration. If it was not intended to arbitrarily discriminate against the immigration from Austria, Czechoslovakia, Denmark,

Italy, Norway, Poland, Rumania, Sweden, and other countries, why did the proponents of the measure take the 1890 census? It is too apparent that it is intended not to reduce immigration from Great Britain and Germany, but to completely estop almost all immigration from all of the other countries. At the time when the committee was considering the bill they had before them the actual figures showing what the result would be if the census of 1890 was adopted. It furnishes the most conclusive proof of positive discrimination which can be found. For the information of the House and to prove our contention, we submit the following figures showing the number admissible under the censuses of 1890, 1900, and 1910:

Two per cent table.

	Present quota. 3 per cent 1910.	2 per cent 1890.	2 per cent 1900.	2 per cent 1910.
Albania.....	288	4	21	192
Armenia (R).....	230	13	37	151
Austria.....	7,451	1,103	2,070	4,968
Belgium.....	1,563	510	960	1,012
Bulgaria.....	302	61	22	212
Czechoslovakia.....	14,537	2,031	3,814	9,705
Danzig.....	301	228	228	200
Denmark.....	5,619	2,785	3,207	3,746
Finland.....	3,921	472	1,266	2,614
Fiume.....	71	11	20	48
France.....	5,729	3,914	3,728	3,820
Germany.....	67,607	51,227	50,837	45,072
Greece.....	3,291	47	190	2,196
Hungary.....	5,638	474	1,105	3,750
Iceland.....	75	37	44	50
Italy.....	42,057	3,912	10,176	28,038
Luxemburg.....	92	58	61	61
Memel.....	150	114	113	100
Netherlands.....	3,607	1,637	1,900	2,405
Norway.....	12,202	6,451	6,757	8,135
Poland.....	21,076	5,156	7,566	14,051
Eastern Galicia.....	5,786	870	1,624	3,858
Pinsk.....	4,284	395	1,045	2,856
Portugal.....	2,465	474	916	1,644
Rumania.....	7,119	633	1,444	4,916
Bessarabian Region.....	2,792	258	681	1,862
Russia.....	21,613	1,992	5,272	14,400
Estonian Region.....	1,318	121	329	899
Latvian Region.....	1,540	142	576	1,027
Lithuanian Region.....	2,310	213	564	1,540
Spain.....	912	91	146	608
Sweden.....	20,042	9,561	11,672	13,362
Switzerland.....	3,752	2,082	2,314	2,502
United Kingdom.....	77,342	62,458	53,717	51,562
Yugoslavia.....	6,426	851	1,575	4,284
Other Europe.....	86	5	2	58
Palestine.....	57	1	4	38
Syria.....	928	13	67	619
Turkey.....	2,388	129	384	1,592
Other Asia.....	81	45	2	54
Africa.....	122	44	52	82
Atlantic Islands.....	121	41	46	81
Australia.....	279	120	140	186
New Zealand and Pacific Islands.....	80	42	53	54

It certainly will not be contended by those who favor this measure that the reason for its adoption was a failure of display of loyalty and patriotism of those who came from southwestern Europe. If this apprehension did exist, then the most complete answer destroying such apprehension is found in an article appearing in *Colliers*, entitled "Eight American soldiers," referring to John N. F. Bilitzki, Lonnie J. Moscow, Alojzy Nagowski, Isaac Rabinowitz, Epifanio Affatato, Wasyl Kolonocyk, Daniel Moskowicz, and Antony Sclafoni.

## EIGHT AMERICAN SOLDIERS.

(By Samuel McCoy.)

The heroism of the eight Americans whom I am about to name was duplicated in every one of the hundreds of regiments which were sent from America to serve in France; I name these eight men merely because their war records happen to be before me at the moment and because much has been said of late in regard to the proper qualifications for American citizenship.

Each of these men was awarded the distinguished-service cross. Twenty thousand men who fought in the same division to which they belonged all acquitted themselves with honor in the face of danger. A thousand men of the division were singled out to appear in the divisional citations for feats of heroism performed in that campaign. But these eight were ranked even higher than all these. They were of the handful who won the distinguished-service cross—a decoration awarded only "for extraordinary heroism in action."

The first man, a sergeant, in the assault launched against the seemingly impregnable Hindenburg line, "although twice wounded, refused to leave the field, but remained with his platoon, exhibiting magnificent courage and bravery, until he was wounded a third time. His devotion to duty set a splendid example to the men of his company."

The second, a corporal, in the same fearful fire of the enemy, "was an advance scout for his platoon. The platoon was temporarily halted by machine-gun fire from a section of the enemy trench in their immediate front. He rushed through the heavy enemy fire to the trench, and at the point of his rifle compelled 12 of the enemy to surrender. He then signaled for the platoon to advance."

The third, also a corporal, "left shelter, went forward under intense machine-gun fire, and carried a wounded officer to safety. In accomplishing this mission he was severely wounded."

The fourth man, a private, first class, "when the advance of his battalion was checked by heavy machine-gun fire, went forward, with two other soldiers, under heavy fire to reconnoiter the enemy positions. By effective rifle fire they drove the gunners from two machine-gun nests into a dugout near by, which they captured, together with 35 prisoners, including 3 officers."

The fifth man, also a private, "after being severely wounded by shrapnel, took shelter in a shell hole somewhat in advance of his company, from which he had become separated in the fog and smoke. He saved the lives of four of his wounded comrades who were occupying the shell hole, by throwing live grenades, which had been tossed into the shell hole by members of his own company in the rear, into the enemy's lines."

The sixth, a private, "under heavy shell and machine-gun fire, left the shelter of his trench, and going forward under a thick smoke screen, single-handed captured between 30 and 40 prisoners \* \* \*. Three weeks later, in a second battle, after the advance of his company had been stopped by strong, hostile machine-gun fire, he, with three companions, advanced far ahead of the front line to attack an enemy position located in a large farmhouse. By skillful maneuvering in the broad daylight they covered all entrances to the house and forced the surrender of the entire force of the enemy, numbering 36 men and 2 officers. During the exploit they killed two of the enemy, who attempted to take cover in the cellar."

The seventh, a private, "exhibited exceptional bravery by leaving shelter and going into an open field under heavy machine-gun and shell fire to rescue wounded soldiers."

The eighth man, also a private, "while the advance against the Hindenburg line was at its height, seeing an American machine gunner exposed to the enemy, ran to his assistance. On the way he was seriously wounded, but continued on, reaching the position and using his body to shield the gunner while the latter poured a fire into the enemy. He was wounded three times, finally losing consciousness, but after his wounds were dressed he insisted on leaving the field unaided."

The names of these eight American soldiers, all of whom are still living, are John N. F. Bilitzki, Lonnie J. Moscow, Aloizy Nagowski, Isaac Rabinowitz, Epifanio Affatato, Wasyl Kolonczyk, Daniel Moskowitz, and Antony Scialoni.

We realize that the committee can not report a bill which would satisfy the two extremes, viz, first, those alarmists and extremists who at all times clamor even against the admission of the wives and children of our citizens and soldiers and who insist upon completely

closing our doors to every immigrant, regardless how deserving and desirable; second, the class who for economical, personal, and financial advantages desire that the doors be opened not only to permit without limitation the entry of skilled but of all unskilled labor.

We feel that the adoption of the 1890 census is unjustifiable not only for the reason that it is discriminatory but because it will also prevent the admission of from 60,000 to 75,000 laborers, who will shortly be greatly needed. We are not interested in supplying, as some may term, "cheap labor," but we are deeply concerned in the welfare of the United States, whose prosperity depends upon having at least a sufficient amount of unskilled labor. This can be obtained, in a measure, by using the population figures of 1920 or 1910 as a basis in lieu of the 1890 census as the majority has adopted. We doubt whether our northern and eastern unskilled labor requirements can be drawn from the South without at the same time injuring the growing southern industries. Surely, under the stringent provisions of the bill, no temporary common labor can be obtained from Mexico as was done in 1918 and 1919 to relieve the shortage of labor in the cotton and sugar-beet fields in the Southern and Southwestern States.

It can not be truthfully denied that most of the hard, common, and manual work performed in the United States has been done during the past 30 and 40 years by the immigrants coming from those countries designated as southern and southeastern Europe. Such work for the past century has always been performed by the then coming immigrants.

As has often been stated on the floor of the House and reiterated in the press of the country, the common understanding was that the present 3 per cent quota law was temporarily enacted for the sole purpose of safeguarding the United States against an anticipated influx of immigrants after the war. Since the enactment of the measure it was shown that many of the fears which were expressed were unfounded in fact, because several of the countries have not even made full use of their quotas. The 3 per cent quota law would have permitted the coming of over 355,000 immigrants, but approximately, in the last year, only 309,556 arrived. Further confirmation of our statement to the effect that those who would be coming would be mainly women and children is shown by the statement of Mr. Wixon, of the Bureau of Immigration, who testified before the Committee on Appropriations as follows:

That of the 309,556 immigrant aliens admitted during the first fiscal year, 95,846 of that number is represented by unmarried females and 31,980 represented by males under 16 years of age; or, in other words, nearly one-half of the entire number of immigrant aliens arriving is represented by what might be termed as dependent aliens, regarded strictly from an immigration standpoint. Something which surprised me more than anything else when statistics for the last fiscal year were compiled was the fact that our entire net gain in population is represented by 104,326 females and 6,518 males under 16 years of age. By that I mean that the figures given embrace the number of aliens arriving over those departing, and, as will be seen, we did not gain a single male over 16 years of age, the fact being that the number of males over that age departing was considerably in excess of the number arriving. It should be taken into consideration also that of males arriving a large number of them were over the age of 55 years and more or less dependent. In fact a great number of them were absolutely dependent.

The committee has also refused to make provision for the admission of domestics, admitted by all so greatly needed. We desire to call specific attention to a partial statement made by Mr. Augustine Davis, president Davis Automatic Equipment Corporation, appearing in American Industries, entitled "Need more of the domestic class" (Hearings, 6-C):

The mothers in our own country generally find it next to impossible to obtain the aid necessary to care for their families properly.

The extreme difficulty in securing such assistance results in imperfect home sanitation, neglect of children, ill health and despondency in overworked mothers, unsatisfactory food preparation, lessens desire for home ownership, discourages marriage, increases unhealthy hotel and boarding-house life, tends to the disruption of families, leads to divorce, and is no small factor in "race suicide," all of which has a most detrimental effect on the morals and progress of our people.

Considerable stress has been laid by the proponents of this measure that during the past two or three years immigration has consisted mainly of women and children. It must be borne in mind that during the entire war period, due to war conditions, it was impossible for husbands to bring over their wives and children. We believe that the highest morality can be attained, and for the best interest of home and country, that the wife and minor children should be under the same roof with the husband. We believe in the uniting of families; it brings peace and contentment; it helps to improve the home life in every community.

After many years of most careful study of the immigration question, and after most mature reflection and deliberation, we are of the opinion that if the individual Members of the House could give to this most important subject of immigration the same thorough consideration and study which we have given that they would reach the same conclusions we have, namely, that it is a most serious error to adopt the 1890 census as the basis of calculation for admission.

ISAAO SIEGEL.  
ROBT. S. MALONEY.  
ADOLPH J. SABATH.



Mr. CABLE. How many copies of that report have you, Mr. Chairman?

The CHAIRMAN. I think not more than 100 are left. That bill is the base for the bills being considered now. I have been informed that the 2 per cent table based on one of the censuses in that table is in error by about 8,000. Without objection, we will try to have those corrections made.

Mr. RAKER. Mr. Chairman, I offer as part of these hearings, to be considered by the committee with its present hearings and consideration, on H. R. 101 (by Mr. Johnson, our chairman), H. R. 5 (by Mr. Raker), H. R. 4096 (by Judge Box), H. R. 561 (by Mr. Sabbath), and H. R. 3932 (by Mr. Watkins). These hearings were taken by this committee during the Sixty-sixth Congress (three large bound volumes) and the Sixty-seventh Congress (three large bound volumes), which hearings are now present for the use of the committee and its members.

Mr. CABLE. You do not mean to mark those "Exhibit A" and to offer them in the record, do you Judge?

The CHAIRMAN. No; they are part of the record.

Mr. CABLE. For consideration, but not reprint?

Mr. RAKER. Yes; the six volumes are now on the table, and a part of the committee record and hearings, for the use of the committee and anyone that may desire to look into the matter. They cover all of the subjects reported in the bill just printed, and also the bill of the chairman and kindred bills referred to. Is there any objection to it, Mr. Chairman?

The CHAIRMAN. I hear none. It calls attention to the fact that the elaborate hearings are in printed form and available for the use of members of the committee. It might be stated here that all hearings which are printed are printed for the use of the committee. It is not the intention and it is not possible to print hearings of the committee for public distribution. The print is limited in copies, and it is for the information of the committee and the Members of Congress.

Mr. RAKER. Mr. Chairman, I offer the following proposal for the consideration of the committee and ask to have it printed as a part of the hearings, to be later taken up when the legislation is being finally disposed of by the committee and inserted in the proper place in the bill, namely:

#### BURDEN OF PROOF.

That any person applying to enter the United States under any of the provisions of the immigration laws and upon any and all proceedings at or taken thereon, the burden of proof shall lie upon such person.

The CHAIRMAN. Without objection, that will be placed in the record.

Mr. RAKER. Mr. Chairman, I offer the following for the consideration of the committee, and ask to have it printed as part of the hearings, to be later taken up when the legislation is being finally disposed of by the committee and inserted in the proper place in the bill, namely:

#### FALSE STATEMENT, ETC.

That any false statement, application, affidavit, or other document knowingly and willfully made under any of the requirements of the immigration laws,

or regulations established in accordance therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury.

Mr. Chairman, I offer the following proposal for the consideration of the committee, and ask to have it printed as part of the hearings, to be later taken up when the legislation is being finally disposed of by the committee and inserted in the proper place in the bill, namely:

That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or any employee of said Houses, shall directly or indirectly appear for or represent in anywise, or be in any manner concerned in appearing for or representing in anywise, either orally or in writing or otherwise, any person seeking admission to enter the United States under any of the immigration laws before any department, board, or person having the administration of such laws.

That any person who shall be guilty of violating any of the foregoing shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment for a term not exceeding three years, or by both such fine and imprisonment, in the discretion of the court.

The CHAIRMAN. Without objection, that will be placed in the record.

Mr. RAKER. That is based upon testimony heretofore taken before this committee.

#### STATEMENT OF LOUIS S. GOTTLIEB, VICE PRESIDENT OF THE SELECTIVE IMMIGRANT AID SOCIETY, WASHINGTON, D. C.

Mr. GOTTLIEB. Mr. Chairman, I am the vice president of the Selective Immigrant Aid Society, a corporation organized in the District of Columbia, June of this year. I would like the opportunity to present our case before you gentlemen in a brief form, because we agree with part of your bill and disagree with other parts of the bill. I did not know I was coming up here as a witness. I just came here to hear others and listen to their views.

The CHAIRMAN. Tell us what your organization is.

Mr. GOTTLIEB. The organization was formed as a nonsectarian organization, to look after the interests of all aliens who are admissible under our laws, irrespective of race or creed. We are not to charge any alien for services to be rendered.

The CHAIRMAN. What is the title of your organization?

Mr. GOTTLIEB. Selective Immigrant Aid Society.

The CHAIRMAN. It has no connection with the Hebrew Immigrant Aid Society?

Mr. GOTTLIEB. None whatsoever.

The CHAIRMAN. Have you a large membership in the new organization?

Mr. GOTTLIEB. So far we have about a thousand.

The CHAIRMAN. Do you believe in restriction of immigration?

Mr. GOTTLIEB. Well, to a certain extent we do. Not in further restriction than our present laws.

The CHAIRMAN. What do you mean by "selective?"

Mr. GOTTLIEB. We believe that the eligibility of aliens should be primarily determined on the other side.

The CHAIRMAN. How?

Mr. GOTTLIEB. Well, we think that there ought to be proper persons to look after the alien before and after he comes to America. Aliens should be informed who would and who would not be admissible into the United States, and should be advised that in the event any member of the family with whom they are about to travel is afflicted with any contagious disease or otherwise inadmissible to these United States, it would be better for them not to start for this country.

The CHAIRMAN. Do you carry a fee for membership?

Mr. GOTTLIEB. Oh, yes.

The CHAIRMAN. What is the fee?

Mr. GOTTLIEB. Well, it is voluntary; \$3 is the lowest membership fee.

The CHAIRMAN. These members are interested then in the bringing of immigrants to the United States?

Mr. GOTTLIEB. No; they are just simply interested in assisting those who have determined to emigrate; that is all.

The CHAIRMAN. The purpose is to select immigrants?

Mr. GOTTLIEB. That is what we advocate.

The CHAIRMAN. To look after the welfare of those selected?

Mr. GOTTLIEB. After they arrive in this country, look after their welfare and advise them where employment may be found, keep them out of the congested districts, and assist them generally.

The CHAIRMAN. Do you have any funds for removing them from the ports to places where they might work?

Mr. GOTTLIEB. No.

The CHAIRMAN. Do you keep a register of those who come in?

Mr. GOTTLIEB. Yes; of those that we have taken care of so far we have kept a register.

The CHAIRMAN. Do you have a personal description of the ones that you are looking after?

Mr. GOTTLIEB. No; we have not got that.

The CHAIRMAN. Do you have his age?

Mr. GOTTLIEB. The only thing we get is through the records of the Department of Labor. We have not the opportunity to see the aliens.

The CHAIRMAN. Where do you have agencies?

Mr. GOTTLIEB. We have an office in New York and we have an office in Philadelphia. We are not yet functioning at Ellis Island, but we expect after this year to function there, the same as the other organizations, and then we will look after the interests of all aliens, irrespective of race.

Mr. RAKER. Is your organization formed for the purpose of working abroad or after aliens are legally admitted?

Mr. GOTTLIEB. We expect to work abroad, and to render service even after admission.

Mr. RAKER. In what way?

Mr. GOTTLIEB. By the process of disseminating information and advice in regard to the immigration laws of this country, and thus prevent unnecessary hardships.

Mr. RAKER. What do you mean by hardships? What kind of hardships do you refer to?

Mr. GOTTLIEB. There are some aliens who arrive in this country who are mandatorily excluded, and if they were properly advised on the other side, they would not start to this country at all.

Mr. RAKER. What do you mean now by "Selective immigration"?

Mr. GOTTLIEB. To select the immigrant, to see that he is desirable and admissible under our immigration laws.

Mr. RAKER. Select him in what way?

Mr. GOTTLIEB. After we have fully commenced functioning, we will send our agents abroad, located in the largest centers from which our immigrants come. We will print and disseminate translations of our immigration laws, and in that way advise prospective immigrants of just what qualifications they must possess in order to be admitted. Our literature will tell them exactly what is necessary, what to expect, and thus prepare them for the actual conditions they will meet here. We will emphasize those matters, such as contagious diseases, that bar immigrants. If these things are brought to their attention in advance properly and intelligently, they will avoid a great deal of hardship. They would not commence the futile journey.

Mr. RAKER. It would be one of the purposes of your organization to advise people to come to the United States?

Mr. GOTTLIEB. No; not at all. Our purpose is to keep people who are not desirable and inadmissible from coming into the United States.

The CHAIRMAN. That is what you mean; you do not mean to say, "not desirable." You mean to help check the inflow or the attempted arrival of inadmissibles?

Mr. GOTTLIEB. Correct.

The CHAIRMAN. You have said there are some countries from which they want to come in large numbers. Which countries do you refer to?

Mr. GOTTLIEB. I do not know of any large number that want to come. I know some of them want to come to this country if they have the opportunity. I can not tell exactly from what countries. The records of the last two years can tell us exactly as to how many people want to come to this country.

The CHAIRMAN. No; you can not tell exactly. There is a quota limitation.

Mr. GOTTLIEB. That is just it.

The CHAIRMAN. We have consular reports, however, indicating that great numbers want to come from many countries.

Mr. GOTTLIEB. I do not know. I can not tell you about that, Mr. Chairman, because it is a matter of taking the consul's report. I can not contradict them, because I do not know. It may be so and it may not. I can not say.

The CHAIRMAN. You are in touch with people in other countries. Is it your opinion that large numbers desire to migrate to the United States?

Mr. GOTTLIEB. From what I read in the newspapers there are not so many.

The CHAIRMAN. You do not think so many want to come?

Mr. GOTTLIEB. I do not. I do, however, believe, if you ask me that question, that retention of the 3 per cent quota would be the proper course to pursue.

The CHAIRMAN. Keep along with the 3 per cent quota?

Mr. GOTTLIEB. That is my impression.

The CHAIRMAN. That is your belief?

Mr. GOTTLIEB. Yes.

Mr. RAKER. Then you mean, in discussing selective immigration, that these people should be informed as to what the laws are relative to excluding aliens from the United States?

Mr. GOTTLIEB. Yes.

Mr. RAKER. You go no further?

Mr. GOTTLIEB. No; we do not expect to go any further. We think that is about the best thing we can do. We can serve humanity and prevent extraordinary hardships. We think that the 3 per cent quota should be followed.

Mr. RAKER. Are not these laws, regulations, and rules printed in the various foreign languages of the countries from which these people are trying to come to the United States?

Mr. GOTTLIEB. They might be, but I do not think they are properly disseminated, because if they were we would not have so many people coming over here and debarred on the ground of excess quota.

Mr. CABLE. Do you know how many were debarred last year?

Mr. GOTTLIEB. I do not know. The records are here.

Mr. CABLE. Did you know that less than 3 per cent were debarred?

Mr. GOTTLIEB. Less than 3 per cent?

Mr. CABLE. Yes; for all causes.

Mr. GOTTLIEB. That might have been.

Mr. CABLE. That is a small percentage, is it not?

Mr. GOTTLIEB. I do not think so. If we have 3 per cent come in and 3 per cent of those are debarred, that is not a small amount in point of numbers.

Mr. CABLE. There were 695,025 immigrants and nonimmigrants applying for admission and only 20,619, or 2.9 per cent, were rejected. As I understand it, your idea is to keep from coming to the United States the 2.9 per cent?

Mr. GOTTLIEB. Correct.

Mr. CABLE. How would you go at it to stop the \$,239 who were debarred because they were liable to become public charges?

Mr. GOTTLIEB. We just find out, by past experience, who would and who would not be a public charge.

Mr. CABLE. How many agents are you going to have?

Mr. GOTTLIEB. We expect to have three or four.

Mr. CABLE. Are they going to investigate the financial condition of every alien?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. Of a certain creed or class of alien?

Mr. GOTTLIEB. No; every alien.

Mr. CABLE. Who are the officers of your company?

Mr. GOTTLIEB. With us now?

Mr. CABLE. Yes; who is the president?

Mr. GOTTLIEB. Until recently our president was Mr. George H. Payne.

The CHAIRMAN. Where does he live?

Mr. GOTTLIEB. New York.

The CHAIRMAN. What is his business?

Mr. GOTTLIEB. Mr. Payne is the editor of the Forum, a magazine.

The CHAIRMAN. Your next officer?

Mr. GOTTLIEB. Vice president, myself. Then we have Mr. Freund.

The CHAIRMAN. Where is he located?

Mr. CABLE. What is his business?

Mr. GOTTLIEB. He is a plumbing contractor.

Mr. CABLE. Is he a Jew?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. He is the treasurer?

Mr. GOTTLIEB. He is the treasurer.

Mr. CABLE. What other officers have you—directors?

Mr. GOTTLIEB. We have trustees and an advisory board of about 40.

Mr. CABLE. Are they of all religions and creeds?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. Any majority of any particular class?

Mr. GOTTLIEB. No. We only have some of the Jewish race and the rest are all Gentiles.

Mr. CABLE. Is this the same kind of an organization as the Hias organization?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. They have a big organization over the country?

Mr. GOTTLIEB. Yes, sir; they have. They are only a Jewish organization.

Mr. CABLE. There were 2,680 debarred because they were excess-quota cases. Do you think your organization could have stopped any of those from coming over?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. How would you do that?

Mr. GOTTLIEB. We would send the reports and cables from this country to our representative abroad and tell him exactly each day how the quotas stand.

Mr. CABLE. Do you not think they do that now?

Mr. GOTTLIEB. It does not seem so, because if they did we would not have them come over.

The CHAIRMAN. You think you would be stronger than the steamship companies?

Mr. GOTTLIEB. I do not know. Their information would not be as good as ours, or perhaps their information would not be as practicable as ours.

The CHAIRMAN. What system would you pursue in order to make sure that a person is not likely to become a public charge?

Mr. GOTTLIEB. One way is by physical examination, to see if he is not physically defective.

The CHAIRMAN. Would you require them to have any amount of money in hand?

Mr. GOTTLIEB. Yes, unless destined to someone willing and able to care for them.

The CHAIRMAN. How much?

Mr. GOTTLIEB. Well, I would answer that this way, Mr. Chairman: I would find out to whom he is destined and ascertain the financial condition of the relatives or the blood relatives to whom he is destined. If the man is destined to a family who, in my judgment, is financially well-to-do and can take care of the alien, I would not require of him to have any amount of money.

The CHAIRMAN. Has not the larger part of the congestion at Ellis Island within the last two years been because the arrivals have no means and the delay being occasioned by the efforts of the United States Government to get in touch with their relatives who might support them?

Mr. GOTTLIEB. No; Mr. Chairman, I do not think so. Experience has taught me during the last three years that no alien starts from his home abroad unless an affidavit is furnished to him by a blood relative or a relative from this country. That affidavit must be presented to the American consul before he grants the alien a visé. That affidavit recites exactly the financial condition of the relatives here. It says "I am an American citizen or I am a declarant, and my finances consist of so much. I have so much equity in real estate. I have so many bonds," etc.

Mr. CABLE. They do that in every case now?

Mr. GOTTLIEB. In every case.

Mr. CABLE. How would you improve on that?

Mr. GOTTLIEB. It needs no improvement.

The CHAIRMAN. Let me make sure of that point. Do they do that in every case with immigrants from all countries?

Mr. GOTTLIEB. I believe that the American consul will not grant any visé for any person unless such an affidavit is presented to him, together with the application for a visé.

The CHAIRMAN. What do you suppose was the average amount of money brought in by immigrants from Poland during the last fiscal year?

Mr. GOTTLIEB. I do not think they brought much money.

The CHAIRMAN. As much as \$1 apiece?

Mr. GOTTLIEB. More than that, I should judge.

Mr. CABLE. You would let them through, if they did not have any money, if some man signed an affidavit that the affiant had \$1,000 in the bank?

Mr. GOTTLIEB. From my experience——

Mr. CABLE (interposing). What is your experience and qualification as a witness here?

Mr. GOTTLIEB. Well, for 15 years I have handled immigration cases.

Mr. CABLE. You are a lawyer?

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. You have been a representative of the Hebrew Sheltering and Aid Society?

Mr. GOTTLIEB. I was the representative of the Hebrew Sheltering and Immigrant Aid Society.

Mr. CABLE. You organized this organization?

Mr. GOTTLIEB. The Selective Immigrant Aid Society? Yes, sir.

Mr. CABLE. You are paid by it?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. You receive no compensation?

Mr. GOTTLIEB. None whatsoever.

Mr. CABLE. Where do you get your pay?

Mr. GOTTLIEB. I do not get any pay from the society. My earnings come from other sources.

Mr. CABLE. You get compensation for representing these aliens in the department, do you not?

Mr. GOTTLIEB. Not if I am handling the cases for this society.

Mr. WATKINS. From the aliens?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. Are you not paid by any of these aliens?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. For presenting their cases?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. All your work is done gratis for the aliens coming into the United States?

Mr. GOTTLIEB. Yes; since I have been affiliated with this organization.

Mr. CABLE. I mean before that?

Mr. GOTTLIEB. Before, no. The Hias paid me a salary.

Mr. CABLE. And you would collect from the alien, too?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. You never collected any money from the alien?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. Of the many cases you have had in 15 years you have not collected a nickle from an alien?

Mr. GOTTLIEB. Not from an alien. I have been paid for my services by other individuals who retained me.

Mr. CABLE. From the relatives?

Mr. GOTTLIEB. In some cases from the relatives.

Mr. CABLE. Would you mind putting in the record your articles of incorporation?

Mr. GOTTLIEB. I will do that gladly.

Mr. CABLE. It was at your instance that it was organized?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. You do not expect to get any money out of this organization?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. Or out of relatives?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. Or out of the alien?

Mr. GOTTLIEB. No, sir.

Mr. CABLE. You are retired, in other words, and this is a business you are carrying on for the love of it?

Mr. GOTTLIEB. It is a movement in which I am interested for the welfare of my country, as you will see if you read the certificate of incorporation.

The CHAIRMAN. Have you any so-called big business representatives associated with you?

Mr. GOTTLIEB. No, sir.

The CHAIRMAN. None of these organizations that need labor?

Mr. GOTTLIEB. No, sir.

Mr. RAKER. You are doing this for the love of your country, bringing these aliens over?

Mr. GOTTLIEB. Well, I do not think we ought to close our doors entirely.

Mr. RAKER. What I am getting at now is this: Do you believe it is to the benefit of your country to bring these aliens over?

Mr. GOTTLIEB. To bring such aliens who are admissible and desirable.

The CHAIRMAN. Within the 3 per cent limitation?



**Mr. GOTTLIEB.** Within the 3 per cent limitation.

**Mr. RAKER.** Have you read these articles of Mr. Speranza in *World's Work* of November and December, 1923?

**Mr. GOTTLIEB.** No; I have not.

**Mr. RAKER.** I am quoting from the editorial of the editor of this paper. Tell me what you think of this:

What the country and Congress should understand is that the Atlantic coast is now living in the shadow of a similar peril (similar peril refers to what would have happened to the West had immigration as to the Japanese and Chinese not ceased). What are the races that are pouring into the great eastern cities in the last 15 years and which are now clamoring for admission? Greeks, Armenians, Bulgars, Rumanians, Croats, southern Italians, eastern Jews. The folly of attempting to transform these races into American citizens now or centuries from now is clear to all students of history. On this point there is practically no disagreement. Discussions or arguments are unnecessary. Unless the flood is checked, however, and abruptly checked, the Atlantic coast in a few generations will be largely peopled with this kind of human material.

Do you agree with that?

**Mr. GOTTLIEB.** I think he is taking a rather pessimistic view of things.

**Mr. RAKER.** You think he is wrong?

**Mr. GOTTLIEB.** Well, I can not agree with him. In regard to restriction, we ought to hear both sides. One side believes in restricting; the other side believes in admitting and in more liberal immigration.

**Mr. CABLE.** You are on the latter side?

**Mr. GOTTLIEB.** I am not in favor of reducing immigration further.

**Mr. CABLE.** You have been for 15 years, have you not? That has been your business, has it not, in the last month or two?

**Mr. GOTTLIEB.** What do you refer to? I have been for the last 15 years with that other society.

**Mr. CABLE.** Seeking to admit aliens?

**Mr. GOTTLIEB.** No; representing aliens in their appeals to Washington to see that they obtain the rights to which they are entitled under the law.

**Mr. CABLE.** How many times have you appeared before the Department of Labor?

**Mr. GOTTLIEB.** I venture to say about 50,000 times in immigration cases.

**Mr. CABLE.** How many?

**Mr. GOTTLIEB.** About 50,000.

**Mr. CABLE.** How many of them did you get in?

**Mr. GOTTLIEB.** I can not say offhand. The records will tell in how many cases the appeals were sustained.

**The CHAIRMAN.** What is your estimate?

**Mr. GOTTLIEB.** I believe about 50 per cent; maybe a little more than that.

**Mr. CABLE.** You were paid by some one in every case?

**Mr. GOTTLIEB.** No, no; I beg your pardon. I appeared, at that time, for the Hebrew Sheltering Society, and they paid me a salary.

**Mr. CABLE.** You were paid for that work?

**Mr. GOTTLIEB.** Yes; I was paid for that work.

**Mr. WATKINS.** You said you wanted to establish several agencies abroad. Where do you want to put them, for the purpose of examining into the fitness of these aliens?

Mr. GOTTLIEB. That will depend entirely on conditions. We will, of course, place them to the best possible advantage.

Mr. WATKINS. Where do you hope to put them?

Mr. GOTTLIEB. Probably one in Berlin. Probable one in Italy. That is a matter I can not decide at this time. That will have to come before our board.

Mr. WATKINS. Are you putting any of them in northern Europe?

Mr. GOTTLIEB. Probably.

Mr. WATKINS. Your hope is to put them in southern Europe?

Mr. GOTTLIEB. We may put some in southern and some in northern Europe.

Mr. WATKINS. You say you disagree with the bill that is pending in some particulars. In what particulars?

Mr. GOTTLIEB. As I said, I prefer to take this matter up with our board before I attempt to represent their views.

Mr. WATKINS. You can not tell us in what way you disagree with this pending bill?

Mr. GOTTLIEB. The main thing is with regard to the 2 per cent of the 1890 census.

Mr. WATKINS. You want it 3 or more?

Mr. GOTTLIEB. I believe it should not be reduced beyond the present 3 per cent.

Mr. WATKINS. What census do you want it on?

Mr. GOTTLIEB. The present census we are running, 1910.

Mr. WATKINS. You want it to remain there?

Mr. GOTTLIEB. Yes, sir.

Mr. WATKINS. You would object to putting it on the 1920 census under Mr. Sabath's bill?

Mr. GOTTLIEB. I would rather have 1910. That is the present law, and it has worked satisfactorily.

Mr. RAKER. Let me put this question to you: After having read the quotation which I read a moment ago, is it your view that too many of those particular races have come to the United States in the last 15 years?

Mr. GOTTLIEB. I see no objection to any of them that have come here. I do not know of any reason why they should not. They have proven to be all right in every respect. Many of them have readily assimilated with us and have proved their loyalty in every case when they were called upon to serve. So I can not make any distinction between races and between people.

Mr. RAKER. Is it your view or is it not that there have been too many of these people who have come to this country in the last 15 years who have not been properly assimilated?

Mr. GOTTLIEB. I do not think so. I think you probably will find, if you look into the matter closely, that they are getting along very nicely and have proved to be an asset to the country, rather than a liability.

Mr. WATKINS. Do they adopt our language and customs, or do they have their own language? Do you know anything about that?

Mr. GOTTLIEB. The adoption of our language goes along as a general course. Of course, they read their own newspapers, in their own language, in order to become acquainted with every-day happenings.

Mr. RAKER. You have named this society, the Selective Immigrant Aid Society, which simply is a term used to try to cover the

question of the general public view that there should be selective immigration, whereas, as a matter of fact, the purpose of your organization is just to notify these people of our laws in the foreign countries?

Mr. GOTTLIEB. In addition to that, I believe in selection.

Mr. RAKER. Tell me what you mean by selection.

Mr. GOTTLIEB. To properly answer this from your viewpoint, I would first like an opportunity to study the bill. You have mentioned in your bill "selection" and if you will tell me what you mean by "selection," I will tell you what I believe. I will tell you whether I believe you are right.

The CHAIRMAN. You organized your society last summer?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. And you called it the Selective Immigrant Aid Society?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. You must have had a reason for using the word "selective"?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. What did you mean?

Mr. GOTTLIEB. We meant this: To determine the qualifications for admission under our laws of the immigrant on the other side before he comes to this country; select him in such a way that he will be an asset rather than a liability; select him so that he should not become a public charge; select him so that he can be assimilated with us and select him to make sure that he is not physically defective; that he is not afflicted with any contagious disease. That is what we mean by selection, so that when they come in here and settle down, we would not be ashamed to be with them and remain with them and they with us.

The CHAIRMAN. Would you object to looking into his history in that country a little bit? Are you willing to know who his parents are?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. You want to do that?

Mr. GOTTLIEB. Absolutely.

The CHAIRMAN. You want to know if there is any insanity in his family?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. Are you willing to have his photograph taken and put on his application?

Mr. GOTTLIEB. Well, that goes with it, of course.

The CHAIRMAN. Thumb prints, also?

Mr. GOTTLIEB. I do not think that is necessary. I think the photograph is sufficient.

The CHAIRMAN. You are willing to have his military record put down in writing?

Mr. GOTTLIEB. I do not know whether that would be essential.

The CHAIRMAN. Would you be willing to have his prison record in writing?

Mr. GOTTLIEB. I do not know what the form of the application is, but so long as it would not conflict with his own views these things could be done.

The CHAIRMAN. You are willing that all records pertaining to the man who proposes to come to the United States shall be taken down in writing?

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. Then we agree on that?

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. You would not object to registering him the date he arrives, would you?

Mr. GOTTLIEB. That is a matter I want to discuss with our organization. I was with the Secretary of Labor last week in New York. He appeared before a group of foreign-language newspaper editors. He told them at that time that he would be glad to present to them a copy of his bill which calls for registration, and of course what I know is just simply hearsay. If the registration would help the alien to become Americanized and to obtain his naturalization certificate without any red tape, I think it is a good idea. But, on the other hand, if it would refer to some other matters, I would ask you gentlemen of the committee to give us an opportunity to present our brief on the subject.

Mr. RAKER. Let me put this question to you and see if this is not what you mean by selective immigration: The only thing you mean by selective immigration is that if the applicant, after he is advised what the law is relative to admission to the United States, does not come under any of the prohibitions, then you would let him in?

Mr. GOTTLIEB. If he is otherwise admissible.

Mr. RAKER. All you mean by selective immigration is that if the immigrant meets the present provisions of the present law, you would admit him, no matter who he was?

Mr. GOTTLIEB. If the present law permits him to enter, it is our function, if he is admissible, to assist him.

Mr. RAKER. In other words, if the immigrant has none of the elements which prohibit a man entering the United States, you would let him enter, irrespective of who he is?

Mr. GOTTLIEB. Oh, yes. That is, if he is admissible. What do you mean by who he is? Let us assume who he is.

Mr. RAKER. Here is the immigration law that says that certain people can not be admitted, namely, if they are in excess of the quota, if they are criminals, if they believe in sabotage, or any and all of the other objectionable features of admitting a man. If he has none of those against him, would you admit him irrespective of who he is?

Mr. GOTTLIEB. You mean race or creed?

Mr. RAKER. Anybody, anywhere, from any place.

Mr. GOTTLIEB. It would not be up to us to admit him. We would simply tell him whether he could be admitted. It is up to the immigration authorities if they would admit him.

Mr. RAKER. Are you in favor individually of admitting him?

Mr. GOTTLIEB. If a man satisfactorily fulfills the requirements and qualifications for admission, I would.

Mr. RAKER. That is what you mean by selective immigration?

Mr. GOTTLIEB. Yes, sir.

Mr. RAKER. And nothing else?

Mr. GOTTLIEB. I would select just the very man who meets these qualifications properly.

Mr. RAKER. Suppose there was a man, his wife, and 7 children. One of the children was feeble-minded and another one was crippled beyond any hope of being resuscitated. What would you do with that family? Would you admit the whole family?

Mr. GOTTLIEB. No; I would tell the whole family not to start; just tell them to stay on the other side and write to their relatives here; instead of sending them the money to come over to this country, rather let them furnish them with a little amount of money every month or year and keep them right where they are. That is the very thing that I would examine. I would see whether the child is feeble-minded or whether any of the children are crippled.

Mr. RAKER. If you found anyone in the family who was in any way prohibited from entering-----

Mr. GOTTLIEB (interposing). I would urge him not to come.

Mr. RAKER. You got a little ahead of me there. You would not let the rest in, but you would exclude them all because one is afflicted?

Mr. GOTTLIEB. Pardon me. Here is where I try to avoid the breaking up of the family. I would suggest to the father or to the mother, "Here you have got two children who are mandatorily excluded, who can not be admitted into the United States. If you have some place where you can leave your child or your children, to be taken care of and attended to properly, and if you and your wife and the rest of the children who are admissible under our laws would like to separate yourselves from these children here, you may go to this country, and I believe that you would be admitted."

The CHAIRMAN. Let me ask you: Have you not been down to the Department of Labor hundreds of times to make appeals to bring in feeble children?

Mr. GOTTLIEB. Mr. Chairman, I want to be put on record in this case that I have never appeared before the Labor Department in a feeble-minded case.

The CHAIRMAN. Never?

Mr. GOTTLIEB. I have never appeared before the Labor Department in a case where the applicant was absolutely mandatorily excluded. The records can bear me out, and you can ask the Secretary of Labor and anyone connected with the department.

The CHAIRMAN. You leave that work to the Congressmen and Senators.

Mr. GOTTLIEB. If those gentlemen can do it; I personally did not appear for them and did not urge their admission.

The CHAIRMAN. Did the Hebrew Sheltering Aid Society make any representations in behalf of Sammy Goldman, for instance, in Syracuse?

Mr. GOTTLIEB. Mr. Chairman, I would rather not answer that question.

Mr. WATKINS. Why?

Mr. GOTTLIEB. Because I am no longer with that society. They are here. You can subpoena them and ask them that question. I can say for myself, as long as I represented them, the moment that I learned that the case was a feeble-minded case or a case of mandatory exclusion, I simply withdrew from the case.

Mr. CABLE. Who took care of it then?

Mr. GOTTLIEB. I ceased my connection with the case.

Mr. RAKER. Let us get back to my question about the family. You then would advise this husband and wife with their five children to come and leave the other two abroad?

Mr. GOTTLIEB. I would say that there were two ways.

Mr. RAKER. What would be your judgment as a man of experience in these matters? I want it in the record, if you will give it to us. What would be your advice? Here is a father and a mother and five children who are admissible with two children who are inadmissible. What would you advise them to do?

Mr. GOTTLIEB. I will tell you what my advice would be. I would look at the circumstances of the case in the part of the country where the man lives. If the man can not make a living, if it is a hardship on him to remain on the other side and he has better opportunities here in this country, and if his children would have a better opportunity to educate themselves and become better men than they are over there, I would tell him frankly, "Here is the only thing you can do. You may be admitted to the United States if you come there with your wife and five healthy children. You can not be admitted to the United States if you bring with you those two children, who will be excluded mandatorily. The best thing for you to do is either to remain here and write to your relatives to help you along here and remain in this country, or separate yourselves and put your two children in some place where they can be taken care of and you can go to the United States."

Mr. RAKER. Would you be in favor of separation under any circumstances?

Mr. GOTTLIEB. Personally, I would not. I would not separate my family, if I had an afflicted child.

The CHAIRMAN. The committee is serious in asking you this, because we have before us Canadian immigration laws with some new provisions by which Canada reserves the right to reject people that might not fit into the Canadian situation. They, I understand, are rejecting families where certain members are left behind, because of not fitting into the situation, through disease or insanity or something like that.

Mr. GOTTLIEB. You mean they reject the whole family?

The CHAIRMAN. Yes.

Mr. GOTTLIEB. If they come with an afflicted child?

The CHAIRMAN. No; they reserve the right to reject any and all, on the belief that the person arriving might not fit into the Canadian scheme of things. They are rejecting parts of families on the ground that the parts of families that arrive will beg thereafter to bring the remaining members— the decrepit members of the family.

Mr. RAKER. I should like to ask two questions. As a lawyer you have looked this question up, and are you of the opinion that Congress has the power to pass an act like this, fixing the quota for 1890 or 1910, whichever one it wants?

Mr. GOTTLIEB. I think Congress has that right.

Mr. RAKER. You think it has that right?

Mr. GOTTLIEB. Yes.

Mr. RAKER. So we could fix it at 1880 or 1890 or 1910, whichever we wanted to?

Mr. GOTTLIEB. I think the power is vested in Congress in that respect.

Mr. RAKER. You have had considerable knowledge of who represents these various immigrants that appeal from the board's decision at the port of New York. I am advised that 19,000 immigrants whom the board turned down as afflicted with disease and other defects which should have excluded them, appealed and these 19,000 inadmissibles have been admitted within the last year. Can you tell us now who represents these people and who has been anxious to get them in?

Mr. GOTTLIEB. Judge Raker, I do not think that the figures are accurate. I think that the Department of Labor for the last two years has been very, very careful in admitting any case where a feeble-minded person was involved or one with any contagious disease.

Mr. RAKER. You got the purport of my question, did you not?

Mr. GOTTLIEB. Yes; I have.

Mr. RAKER. I say 19,000; it may be less, it may be more. They were turned down by the board, by the doctors that made the examination, as not admissible. They appealed their cases and they have all been admitted. Now, whether my number is too high or not high enough, the fact remains that a considerable number were admitted. Who and what organizations have been representing these people, trying to get them in, if you know?

Mr. GOTTLIEB. All I can tell you, Judge, is that I did not represent them.

Mr. WATKINS. Do you know who did?

Mr. GOTTLIEB. I can not tell. I know of many immigration cases where a society appears and then immediately thereafter some other representative, Members of Congress, or Senators, or other people appear there. They come there and look out for their constituents. I want to say this: I doubt very much, Judge, if you will get the records from the Department of Labor, that you will find 50 persons admitted who are afflicted.

Mr. RAKER. I do not care what the number is.

Mr. GOTTLIEB. You want to know who appeared for them. I can not tell you. I know I did not. I met you once, Judge, in the Department of Labor. You came down to look up something for one of your constituents, a Greek in California. I know you would not appear for the man unless you knew he was admissible.

Mr. RAKER. You know I appeared for a man?

Mr. GOTTLIEB. I met you.

Mr. RAKER. That is not the question.

Mr. GOTTLIEB. I believe you came down there for your constituent.

Mr. RAKER. You should not be too long on presumptions. You think it is a good law, that Members of Congress and the officials of the House and Senate should not represent aliens?

Mr. GOTTLIEB. I do not want to go on record on that question. I leave that to you gentlemen, who have better judgment than I have.

The CHAIRMAN. You have had a great deal of experience. Has there been much fraud on the relatives of aliens in the preparation of appeals?

Mr. GOTTLIEB. I can not tell that, Mr. Chairman, because in my capacity the briefs came to me fully completed and I never had a chance to see or examine any of the relatives.

The CHAIRMAN. What is the average legal fee for taking the appeal up to the appeal board?

Mr. GOTTLIEB. Do you mean my fee?

The CHAIRMAN. The average legal fee?

Mr. GOTTLIEB. I do not know.

Mr. WATKINS. Generally all the traffic will bear, is that not so?

Mr. GOTTLIEB. Any amount of money. I know some cases where there were paid \$500.

The CHAIRMAN. What is this committee in New York that seems to be looking after this matter? They are working in an attempt to find out about the exploitation of aliens in New York City, are they not?

Mr. GOTTLIEB. That only applies to New York State. That is, the New York State Legislature had a committee appointed to investigate that. This was not a question of charging fees, but they were trying to avoid exploitation of aliens after they arrived in this country, by having some banks opened up and advising these people to make their investments there and selling them some wonderful stocks that looked beautiful on the certificate, and all that sort of thing. That was what the committee was created for.

The CHAIRMAN. You think the aliens are exploited?

Mr. GOTTLIEB. Yes, it has been proven that the alien has been exploited and millions of dollars have been taken away from aliens in the last two years.

Mr. VAILE. Mr. Gottlieb, from your statement I understand that you are engaged in this work for the love of your country. Do you think it is important to the United States that aliens who are not inadmissible under our statutes should be admitted?

Mr. GOTTLIEB. If they are inadmissible?

Mr. VAILE. Referring to those who are admissible or not inadmissible under our statutes, do you think it is important to the country that those should be admitted?

Mr. GOTTLIEB. I think the present 3 per cent quota should remain. I believe it will help a great deal in every respect. I think a new-comer, if he is an honorable man and is a working man and wants to earn his living honestly and better his opportunities wherever he goes, is an asset.

Mr. VAILE. Do you think it is important to the country because the people who live here now are not the right kind, or because there are not enough of them, or just why is it important to the country?

Mr. GOTTLIEB. I do not believe in a policy of restriction, because, getting down to fundamentals, we are all aliens, only some of us are a generation or more removed from the present immigrants. Suppose we or our forebears had not come to America when we did. We would be denied the blessings and opportunities of America that this restriction bill proposes to deny to those seeking the asylum of America. What monopoly have you and I on America? The immigrant who is casting a longing eye to America is just you and I removed a generation or two. I can understand the argument that "self-preservation is the first law of nature"; but, after all, we are all one big family, and we can not take too narrow and selfish a view of things.



Mr. VAILE. Let us dispose of that argument right now. The people who started this thing come from a comparatively small part of Europe?

Mr. GOTTLIEB. Yes, sir.

Mr. VAILE. And it is a false argument, or it is a misleading argument. They all come from Europe; but from a small part of Europe. Do you think it is for the good of the country that these people up to 3 per cent should be admitted?

Mr. GOTTLIEB. Yes, sir.

Mr. VAILE. Now, why?

Mr. GOTTLIEB. Why, I look at it from every point of view.

Mr. VAILE. Name some of the points of view.

Mr. GOTTLIEB. There is the industrial point of view——

Mr. VAILE (interposing). That is, because you will have more workers in the country?

Mr. GOTTLIEB. Well, you do not figure 3 per cent as being all workers. For instance, you take a husband and wife, with five children; only one of that family is a worker.

Mr. VAILE. What per cent of the 3 per cent are workers?

Mr. GOTTLIEB. Only a very small per cent of them are workers; some of them are in business.

Mr. VAILE. Well, put it this way: What per cent of the 3 per cent are producers engaged in business or in some useful occupation?

Mr. GOTTLIEB. Probably 1 per cent.

Mr. VAILE. One per cent of the 3 per cent?

Mr. GOTTLIEB. One per cent. That is probably a large estimate; I will say one-half of 1 per cent.

Mr. VAILE. Do you mean of the 3 per cent?

Mr. GOTTLIEB. One-half of 1 per cent.

Mr. VAILE. One-half of 1 per cent of the whole number; that is one-sixth of the 3 per cent.

Mr. GOTTLIEB. Yes, sir.

Mr. VAILE. If it is advantageous to have 3 per cent come in, will it not be advantageous to have 10 per cent come in?

Mr. GOTTLIEB. That is hardly the question under consideration. You are now contemplating a change of the 3 per cent to 2 per cent and I am arguing for retention of the present plan, instead of the change intended.

Mr. VAILE. How would you fix the number to come in?

Mr. GOTTLIEB. I would fix the number to come in in this way—for one thing take the farmer to-day; he has not enough help.

Mr. CABLE. How do you know?

Mr. GOTTLIEB. I speak from common knowledge. Probably you gentlemen have better information on that than I have. All I get is from the newspapers and general sources of information.

Mr. VAILE. Do you know how many aliens went to the farms last year?

Mr. GOTTLIEB. I do not know how many; but I know a good many went there.

Mr. WATKINS. Right there, none of those that you would bring in here would go to the farm, would they?

Mr. GOTTLIEB. Yes; some would go to the farm.

Mr. VAILE. Do you know whether the number that have gone to the farms is more than 2 per cent of the whole number that came in?

Mr. GOTTLIEB. No, I do not. I know a good many went to the farms.

Mr. VAILE. You will find that it was not more than 2 per cent of the total. But here is what I am getting at: You say it is desirable to have this one-sixth of 3 per cent admitted, because they would engage in useful industries?

Mr. GOTTLIEB. Yes, sir.

Mr. VAILE. Now, how do you fix the one-sixth of 3 per cent? Why would not more than that be a desirable amount? Why would not one-sixth of 10 per cent be a desirable amount?

Mr. GOTTLIEB. Well, you gentlemen have studied the situation and worked it out more carefully than I have; and you fixed that. I have not paid much attention to the percentage proposition.

Mr. VAILE. Let me get at this another way: If no more than one-sixth of 3 per cent should be allowed to come in, why would not less than one-sixth of 3 per cent be the proper limit of those allowed to come in?

Mr. GOTTLIEB. Well, why not close the doors up altogether, if you see fit?

The CHAIRMAN. I may say that there are such propositions before the committee now.

Mr. VAILE. Would you be in favor of closing them out entirely?

Mr. GOTTLIEB. I do not believe in shutting the doors of this country to any man whose opportunities would be better here than elsewhere, and whose presence here would not detract from America's welfare.

Mr. VAILE. Then you think more than that should be allowed to come in?

Mr. GOTTLIEB. I think the present law regarding quotas is about satisfactory and should not be disturbed.

Mr. VAILE. How do you arrive at that maximum?

Mr. GOTTLIEB. You gentlemen have arrived at those figures; I am simply willing to take your judgment in the matter; you have worked it out, and it has worked out all right.

Mr. VAILE. Well, if that would work out all right, why would not a smaller amount work out?

Mr. GOTTLIEB. If the law is so modified it would have to work out.

Mr. VAILE. In other words, it is for the good of your country that you advocate the admission of 3 per cent?

Mr. GOTTLIEB. Yes, sir. Experience and history show we have reached our present era of development and prosperity through immigration.

The CHAIRMAN. He says he is in favor of immigration, limited to persons who pass all the tests in the present laws.

Mr. VAILE. And is in favor of that for the sake of the United States, and not for the sake of the aliens?

The CHAIRMAN. And he is in favor of an examination overseas.

Mr. RAKER. Let me get at this a little better: He says that he would not exclude any person who can better himself by coming into this country. Do you mean that?

Mr. GOTTLIEB. If he comes within the 3 per cent.

Mr. RAKER. I just want to get at this: You mean that, do you?

Mr. GOTTLIEB. If he is within the 3 per cent law.

Mr. RAKER. If he is within the 3 per cent law?

Mr. GOTTLIEB. Yes, sir.

Mr. RAKER. In other words, you would not exclude any person if he is within the 3 per cent law when he can better himself in this country. Is that correct?

Mr. GOTTLIEB. Yes, sir.

Mr. CABLE. "Better his opportunities," is the way he put it.

Mr. RAKER. Then you do not figure whether that alien would assimilate in this country, whether he has the same ideas and traditions as the people of our country or not; it is only the question of whether or not he can better himself by coming in, and not whether or not he would make a good American citizen and help build up the country. Is that what you mean?

Mr. GOTTLIEB. Pardon me. By "better himself," I mean by bettering every one of us here, too; and I also mean that this man, if he meets the tests imposed upon him on the other side, and if he comes within the 3 per cent limit under our laws, I would welcome him.

Mr. RAKER. Irrespective of what his beliefs are?

Mr. GOTTLIEB. I beg your pardon. He will answer as to his beliefs on the other side. He will have his application filled out on the other side; and the consul must pass him; he must satisfy the consul he is all right; and if the consul says he is all right, then he is welcome.

The CHAIRMAN. Then you indorse that plan of an examination overseas? You would be in favor of abolishing the board of appeals in the United States and let the consuls have the right to reject them then and there, in the foreign country?

Mr. GOTTLIEB. I would not say that. I think the consul should have a certain amount of discretion; but I think that the immigration authorities should have the final say. I do not reflect on the integrity or the honesty of the consul; but I believe the man who has had the experience in immigration cases, the immigration inspector, who has handled thousands and thousands of cases, would be more capable to pass upon an applicant and decide those questions than the consul would.

The CHAIRMAN. Well, you have seen many of those sessions of this board of appeals?

Mr. GOTTLIEB. Yes.

The CHAIRMAN. And you know that they are pathetic, many of those cases; and you know that there must be some kind of decision which follows the decision made at the port of entry, the decision made by three men. Now, then, if we had a percentage limitation of any kind, you know that all the applicants can not come in; they can not all come within the 3 per cent limitation. Now, why should not any consul or assistant consul have the right to make the choice within the quota or limitation; and why can he not do it just as well as three men, whether you call them immigrant officials or consular officials?

Mr. GOTTLIEB. Well, I do not say three men. I mean the consul or immigration inspector.

The CHAIRMAN. Then you would let the consul or the immigration inspectors have the final say as to inspection?

Mr. CABLE. Would you have the Public Health Service take part in it?

Mr. GOTTLIEB. But the public health service there is not our Public Health Service. We have known the health officers of steamship companies many times pass judgment that a person was all right, and when that person arrived here our Public Health Service would reject that person.

The CHAIRMAN. That is what we are trying to get away from.

Mr. GOTTLIEB. Pardon me. I say this: That the right of appeal should be left to the alien if the consul and the immigration inspector reject him; then he should have the right to appeal to the Department of Labor here.

The CHAIRMAN. What is gained by that right of appeal? They can not all come, and if there is an appeal of any kind permitted, do you know that every kind of pressure that the friends of the prospective incomer can produce will be used?

Mr. GOTTLIEB. Well, the only thing that I could say would be to avoid discrimination.

The CHAIRMAN. Well, if by force of circumstances, or a combination of circumstances, some man is admitted more or less in violation of some clause of the Immigration Law, then everybody else who wanted to get somebody in would say something like this, "You admitted that man; why can you not admit my uncle?" Would not a situation of that kind come up if an appeal was allowed?

Mr. GOTTLIEB. Perhaps; but I think every case should be decided on its merits.

The CHAIRMAN. Well, why can it not all be decided in the office of the consul on the other side, and avoid that appeal?

Mr. GOTTLIEB. Only that there should not be any criticism of the consul later. I think that, to avoid any discrimination, an appeal should be allowed to every alien. Let me give you an illustration: Suppose this bill is passed with the 2 per cent provision, instead of 3 per cent. Suppose that 10 persons come into the office of the American consul at Warsaw and make application for visé of their passports; and among these applicants there are four Hebrews, three Poles and three Italians, or any other race. The consul will say, "Well, I will pass the four Hebrews, and I will reject the others"—or any other way—

The CHAIRMAN (interposing). Well, would he not be doing what so many foreign governments are now doing, giving original passports to certain races to the exclusion of other races?

Mr. GOTTLIEB. I do not know what the other governments are doing; I do not know anything about that. But I believe in giving a square deal, as you gentlemen here are trying to do, and have shown a willingness in this bill to do. I have this much confidence in you gentlemen, that I know that you are sitting here to do what is best in your judgment—

Mr. RAKER (interposing). Do you mean to say that with the selective immigration that we speak of, and the method of the consul abroad making this examination, with the affidavit, finger prints, pictures, etc.—that when the alien got his passport viséd and came to the port of entry in the United States, you would let him enter without an examination by our officials here?

Mr. GOTTLIEB. Oh, no, no; I did not say that.

Mr. RAKER. You would have the same examination——

Mr. GOTTLIEB (interposing). Absolutely; the same examination to be held here; because if a man once passes a test there, he can pass it here too, and there is nothing to worry about. I say this: That, irrespective of the examination a man has on the other side, he should be examined here at the port of entry of the United States.

Mr. RAKER. What is there now in the way of a method to show that what the alien has presented in his application is false? He presents anything here, and there is nowhere to procure evidence that it is false?

Mr. GOTTLIEB. Do you mean he's on this side?

Mr. RAKER. Yes; under the present law.

Mr. GOTTLIEB. Well, I do not know what the alien presents. He is simply examined by the board of special inquiry at New York, or at any other port, and simply testifies as to his ability to earn a living; and their other examinations are very small; they do not ask him about the passport, the visé, because the consul has already made the examination on the other side.

Mr. WATKINS. Let me ask you this question: You have stated that your society proposes to establish a system which, in its nature, is very elaborate. You may have answered this before, but I would like to know about it: Who is going to pay the bills? Where is the money going to come from?

Mr. GOTTLIEB. From members' subscriptions, the same as other organizations.

Mr. WATKINS. You are going to pay for all the system abroad—your organization? Where is the money coming from?

Mr. GOTTLIEB. From members' subscriptions and donations which we receive; and we solicit funds.

Mr. WATKINS. Your membership is about 1,000?

Mr. GOTTLIEB. About 1,000.

Mr. WATKINS. And what are your fees?

Mr. GOTTLIEB. \$3 and \$5 annually; and \$25 active membership.

Mr. CABLE. It would take a lot of money to look over 700,000 people in a year, would it not?

Mr. GOTTLIEB. Yes, sir.

Mr. WILSON. You are president of this society, the Selective Immigrant Aid Society?

Mr. GOTTLIEB. Vice president.

Mr. WILSON. And where is the domicile?

Mr. GOTTLIEB. Washington.

Mr. WILSON. Is that organized for the purpose of making a study and outlining plans for selective immigration?

Mr. GOTTLIEB. It was organized to help the immigrant; to help him on the other side, before he comes to this country, by finding out whether he is admissible or inadmissible, and when he comes to this country to give him a "helping hand" and advise him where he can locate himself; where he can better his position; where labor is required, skilled labor; and not to keep them all in one city.

Mr. WILSON. That was through the investigations of this society that you were furnishing that information there?

Mr. GOTTLIEB. Yes, sir.

Mr. WILSON. Are we to understand from that that your organization has studied the subject and is in favor of a selective system of immigration?

Mr. GOTTLIEB. Yes, sir.

Mr. WILSON. Then, from your investigations and study of that subject, this is information that you would collect on the other side as to whether or not an immigrant should have his passport viséed and be authorized to come to this country. By whom would that investigation be made and that information collected?

Mr. GOTTLIEB. Well, we would have representatives on the other side.

Mr. WILSON. Your organization?

Mr. GOTTLIEB. Yes, sir.

Mr. WILSON. If you could have a representative on the other side to investigate and to collect data as to immigrants, and to recommend them for admission—

Mr. GOTTLIEB (interposing). Well, it is not up to us to recommend.

Mr. WILSON. But I mean you would have a bureau or some kind of an agency in each of the countries to investigate?

Mr. GOTTLIEB. No; not in each country. In two or three countries, that is all; not in each country.

Mr. WILSON. Well, if you could do that, of course, that same method would be open to others?

Mr. GOTTLIEB. Yes, sir.

Mr. WILSON. Including the heads of industries, and any organization that wanted to engage in collecting information as to the desirability or admissibility of immigrants?

Mr. GOTTLIEB. Well, they, perhaps, would look at it from the angle of helping themselves by getting cheaper labor; that is not our aim.

Mr. VAILE. Your aim is solely to help the United States?

Mr. GOTTLIEB. That is our purpose and—

Mr. WILSON (interposing). I am very much interested in this.

Mr. GOTTLIEB. I will present you with a copy of our articles of incorporation.

Mr. WATKINS. And a list of your membership as well?

Mr. GOTTLIEB. Yes, sir.

(The material referred to is as follows:)

#### CERTIFICATE OF INCORPORATION.

Know all men by these presents, that we, the undersigned, citizens of the United States and residents and citizens of the District of Columbia, desiring to be incorporated under subchapter 3 relating to religious and benevolent societies, of the incorporation laws of the district of Columbia, as provided for by the Code of Laws of said District, enacted by Congress and approved by the President of the United States, do hereby certify:

First. That the corporate name of the society shall be "Selective Immigrant Aid Society" of America.

Second. The particular objects for which the said corporation is to be formed are to facilitate the movement of immigrants, who are admissible under the law, at all ports of the United States; to provide for such immigrants temporary shelter, and other necessary immediate aid and assistance; to guide them to their destination; to prevent exploitation of the immigrant, to aid and advise them in the procurement of useful employment and occupations, to the end that they may not become public charges; to obtain employment for such immigrants, but without any charge whatsoever either to the persons obtaining such

employment or to the persons so employing them, to encourage the settlement of immigrants admitted to the United States in such parts and places thereof as will be to the welfare of the United States and the immigrants concerned; to furnish information to immigrants as to the industrial, agricultural and commercial conditions in the various parts of the United States of America, to disseminate knowledge of the United States immigration laws and regulations in foreign cities and ports which are large centers of emigration therefrom to the United States of America, with a view of discouraging the emigration therefrom to the United States of America of undesirable and inadmissible immigrants; to promote the Americanization of immigrants and to encourage and assist worthy immigrants in the acquisition of American citizenship by means of lectures and literature on the law, customs, institutions and ideals of the American people, and to foster among such immigrants a spirit of patriotism and love for their adopted country.

Third. The place or places where its operations are to be principally conducted are throughout the United States.

Fourth. The city in which its principal office is to be located is in the city of Washington, District of Columbia.

Fifth. The term of its existence shall be perpetual.

Sixth. Officers and trustees for the first year, all of whom are of lawful age, are as follows:

George Henry Payne, president; L. Silo Gottlieb, vice president; Edward L. Corbett, financial and recording secretary; Isadore Freund, treasurer; Winfield Jones, Louis Weinberger, S. Dewey Gottlieb, trustees.

In witness whereof we have hereunto set our hands and seals this 20th day of June, A. D. 1923.

WINFIELD JONES.  
LOUIS WEINBERGER.  
S. DEWEY GOTTLIEB.

#### DISTRICT OF COLUMBIA, ss:

I, John P. Cage, a notary public in and for the District of Columbia, do hereby certify that Winfield Jones, Louis Weinberger, and S. Dewey Gottlieb, parties to a certain certificate of incorporation bearing date on the 20th day of June, A. D. 1923, and hereto annexed, personally appeared before me in said District, the said Winfield Jones, Louis Weinberger, and S. Dewey Gottlieb all being personally well known to me as the persons who executed the said certificate of incorporation and acknowledged same to be their act and deed for the purposes mentioned therein.

Given under my hand and seal this 20th day of June A. D. 1923.

[SEAL.]

JOHN P. CAGE,  
*Notary Public, District of Columbia.*

#### OFFICE OF THE RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

This is to certify that the foregoing is a true and verified copy of the certificate of incorporation of the "Selective Immigrant Aid Society" ("S. I. A. S.") of America, and of the whole of said certificate of incorporation, as filed in this office the 21st day of June, A. D. 1923.

In testimony whereof I have hereunto set my hand and affixed the seal of this office this 21st day of June, A. D. 1923.

ARTHUR G. FROE,  
*Recorder of Deeds, District of Columbia.*

Members of the advisory council of the Selective Immigrant Aid Society:  
Chairman, Hon. Rolfe E. Bolling, vice president Merchants Bank & Trust Co., Washington, D. C.; Isaac Alzamora, professor international law, Columbia University; Nicholas J. Botsacos, merchant, New York City; Hon. Royal S. Copeland, United States Senator; Hon. Edwin C. Caffrey, judge common pleas court, Newark, N. J.; Col. S. F. Corbett, Fifty-second Field Artillery, American Expeditionary Forces; Dr. Thomas H. Curtin, eye specialist, New York; Miss Isabel T. Clarke, welfare worker, Municipal Building, New York; Hon. J. H. Cunningham, former president Chamber of Commerce, Washington, D. C., and vice president Masonic Life Insurance Co.; Hon. W. D. Denny, Governor of

the State of Delaware; Jacob R. Fain, former general manager Hebrew Shelter Society; Hon. Louis Fast, attorney at law; Hon. H. M. Goldfogle, former Member of Congress and president of the board of tax commission, city of New York; Hon. Phillip Giordano, editor, Bulletin and Il Popolo; Max Goldman, real estate and building contractor; Hon. Gustave Hartman, judge city court, New York City; Hon. H. R. Heltman, steamship travel expert; Prof. Victor Herbert, composer; Nejib Hekimian, importer, Washington, D. C.; Rabbi J. M. Levine; Hon. Charles C. Moore, Governor of the State of Idaho; Hon. F. X. Mancuso, judge court general sessions, New York City; Hon. L. Z. Murray, attorney at law; Theo. Marcopulos, Washington, D. C.; Capt. George Pagonis, manufacturer and exporter; Dr. M. B. Paroungian, professor dermatology; Hon. Lee M. Russell, Governor of the State of Mississippi; Hon. T. Scudder, former justice of the Supreme Court of New York; Hon. Leon Sanders, former justice municipal court New York and former grand master Independent Order Brith Abraham; Hon. Paul Russo, manufacturer; H. A. Sarraf, importer; Harry Sherby, merchant; Rabbi George Silverstone; Albert Stephan, wholesale druggist; Alexander Sussman, general insurance, Brooklyn, N. Y.; Reuben Sacks, wholesale dealer in hosiery, New York City; Mrs. Mary F. Wallace, charity worker; Dr. A. C. Wolmark, Ph. D., synthetical chemist; Morris Garfinkel, merchant; Hon. Albert B. Rossdale, former Member of Congress; Harry Moness.

Mr. WILSON. But this information would be collected and furnished by your organization?

Mr. GOTTLIEB. No; we would furnish it to no one; we would simply have it in the office—for instance, a person here would want to have his wife and children come over to the United States, and he would make up an affidavit in our office; and he would send that affidavit to us; and his wife and three children might reside about 60 miles from the place where the American consul has his office. Our representative would go down and look over that woman and those children and talk with the woman in their own mother language and find out whether any of the children were physically defective; whether any of them were feeble-minded; and if they were all healthy and of good mental condition, we would say, "We will help you. Come down to our office and our representative will go with you to the office of the American consul, and we will help you in regard to your visé," and we would prevent exploitation of that woman, and nobody would get any money from her; and we would go to the American consul (whatever his name is) and say, "Mr. So-and-so, here is a woman with her three children. We have found out that she is healthy and that her children are healthy. She is destined to her husband. We respectfully request that you grant a visé to her"——

Mr. WILSON (interposing). It is an organization, then, to assist those who desire to come here?

Mr. GOTTLIEB. Where desirable.

Mr. WILSON. Not finding out whether they are qualified, but if they can get over?

Mr. GOTTLIEB. Yes, sir; qualified and desirable.

Mr. WILSON. Judge Raker made a statement about 19,000 rejected immigrants who were afterwards admitted.

Mr. RAKER. Yes; rejected on the ground of disease, etc.

Mr. WILSON. I understand from a question asked by Judge Raker that during last year there were some 19,000 immigrants who had been rejected on the ground of disease, insanity, or other disability, at our own ports, that had afterwards been admitted, and asked the question if you knew who represented them in getting orders for their admission. Of course, you did not know that?



Mr. GOTTLIEB. I did not know.

Mr. WILSON. Well, can you give us any information as to who was representing the United States while that was going on and they were being admitted?

Mr. GOTTLIEB. Well, I will tell you this: The question now is not the same as Judge Raker asked me. Judge Raker said there were 19,000 persons afflicted with diseases or feeble-minded.

Mr. WILSON. No; all defects.

Mr. GOTTLIEB. Of course, there may be a good many cases that are simply held on account of excess quota, where the immigration inspector in New York might have been under the presumption that the quota was exhausted, and when it comes to the department it is found and that it is not—

Mr. WILSON (interposing). He has no business being under any presumption. I asked if you happened to have the information, when we are faced with the situation that 19,000 people who had been declared inadmissible after getting to our ports had been afterwards admitted into the country. And it is not so important as to whether or not you represented them; but it is very important to know who was looking after the interests of the Government.

Mr. WATKINS. Nobody, apparently.

Mr. GOTTLIEB. Well, the Government is taking care of that by having the board of review, which examines every case; after an appeal is taken at the port of entry and it comes to the department here; the records are submitted to the board of review for their examination, and I doubt very much whether anyone could pass the board of review unless it was found that the appeal ought to be sustained.

Mr. WILSON. Well, that is just the point. Would each one of those cases, the 19,000 cases, be examined and passed on by this board of review?

Mr. GOTTLIEB. Yes, sir. If they are appealed to Washington and if they come to Washington, of course they would.

Mr. WILSON. Well, if there is no appeal, they are passed on by—

Mr. GOTTLIEB. No. If there is no appeal, then they are deported right away; if there is no appeal from a case at Ellis Island then they are immediately deported.

Mr. WILSON. Suppose the order is to admit?

The CHAIRMAN. Let us clear that up a little. The statistics for the last year give lists of aliens who were debarred and aliens deported. That is one class. Then we come to the class of appeals from decisions. Those appeals from decisions excluding the aliens amounted to 12,828, and the disposition of them was as follows:

Admitted without bond, 2,712.

Admitted on public charge bond, 1,349.

Admitted temporarily without bond, 234.

Admitted temporarily on public charge, and departure bond, 2,802.

Admitted on school bond, 487.

Debarred, 5,244, a little less than one-half.

Then there are some appeals from decisions admitting aliens.

Mr. RAKER. How about those 5,000 deported? Does that show how those were made up?

The CHAIRMAN. That is shown in another table.

Mr. GOTTLIEB. Pardon me. Is that for the fiscal year 1923?

The CHAIRMAN. Yes.

Mr. GOTTLIEB. The year ending last June?

The CHAIRMAN. Yes. So that there we have shown 12,800 appeals which went up from the first board, as I understand it. But I think we get the other figures from the Public Health Service report; and the Public Health Service has some rules by which they declare every person arriving 50 years of age or over to be senile.

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. And the person arriving who is over 50 years old must prove that he is not in a state of senile debility. So there we get a large figure, which must be reduced, if I understand it correctly. But here we have 12,800 cases of appeals from decisions.

Mr. BOX. What page, Mr. Chairman?

The CHAIRMAN. Page 121 of the report.

Mr. RAKER. Right there, so that there will be no misunderstanding, let me ask this question: Is it not a fact that when the board at the port of entry rejects the applicant pursuant to the medical examination, without an appeal case coming up, case after case has been ordered reexamined by the various boards or officers, or by some one, and the medical examiners make another examination at the request of some individuals; and numbers of those have been reexamined at the solicitation of some individual or association, and thereafter have been admitted?

Mr. GOTTLIEB. Well, Judge, this examination is not made by the Department of Labor.

Mr. RAKER. Well, is not what I say true?

Mr. GOTTLIEB. Well, I do not know. You see, there may be another examination in cases where it is asked for by individuals, or by Members of Congress or Senators, that they want to be sure about, because—

Mr. RAKER (interposing). Now, do you not know as a matter of fact, and from your experience, that where the board has rejected the applicant on the doctor's certificate, there has been a request from organizations and individuals and a reexamination has been made and they have been reported admissible?

Mr. GOTTLIEB. Well, that is up to the doctors, to show that the first examination might not have been correct.

Mr. RAKER. I know; but has that not been the practice, and is it not the practice now? Now, that is plain.

Mr. GOTTLIEB. I do not know. I know of many cases where the medical certificate certified a person to be excluded on the ground of hernia. Now, then, it depends on the age of the person. If, for instance, that person is between the ages—

Mr. RAKER (interposing). I know that; but what I am trying to get at—

Mr. GOTTLIEB (interposing). I am speaking about that practice where the appeal is subsequently sustained.

Mr. RAKER. What I am trying to get at from you—and you know the practice—is where the medical examination shows that the party should be excluded, these organizations or individuals appear before some officer, either at Ellis Island or elsewhere, and by virtue of various statements and presentations, a reexamination is had by doctors and the party is then admitted?

Mr. GOTTLIEB. By the Public Health Service doctors, or by the—  
Mr. RAKER. I did not say whom.

Mr. GOTTLIEB. Well, pardon me; that is an important thing to know; because if the Public Health Service reverses itself, then it shows that the first examination was not properly had, and they have found out that they made a mistake.

Mr. RAKER. That is what I say. You assume that the first examination was wrong?

Mr. GOTTLIEB. Yes, sir.

Mr. RAKER. All that I ask now is that you tell the committee, from your examination and experience of 15 years, if it is not a fact—

Mr. GOTTLIEB (interposing). Well, during my 15 years I probably had 10 or 15 such cases.

Mr. RAKER. I do not care how many you had. I only want to know if it is not a fact—

Mr. GOTTLIEB (interposing). Well, I can only tell what I know, Judge Raker.

Mr. RAKER. That is true.

The CHAIRMAN. Are you through, Mr. Raker? Mr. Box, do you wish to ask any questions?

Mr. BOX. Are you familiar with the report of the Commissioner General of Immigration, Doctor Gottlieb? Do you keep up with these reports as you are handling this business?

Mr. GOTTLIEB. I have not looked through that of this year yet.

Mr. BOX. Have you looked through these reports for the last several years—say the last five years?

Mr. GOTTLIEB. I have read them through, yes.

Mr. BOX. And you have noted the number certified by the Public Health Service as physically and mentally defective, and then seen what proportion of that number is admitted to the United States? Have you looked for that data?

Mr. GOTTLIEB. Well, I can say one thing, Judge Raker, that for the last two years I doubt if there was one person admitted to the United States who was physically defective to the extent of being—

Mr. BOX (interposing). Let me read you some figures, then, from the Commissioner General's report. I read from page 142 of the report of the Commissioner General of Immigration for the fiscal year 1923, and I give you the totals:

Aliens certified by surgeons as physically or mentally defective, fiscal year ended June 30, 1923, showing sex, age, class of defects, and disposition by diseases or defects.

Now, I can not read them all, because they are very numerous. The total number certified is 23,969; admitted, 21,136.

Mr. RAKER. That is a larger amount than the figures I gave.

Mr. BOX. Deported, 2,832. I want an explanation if you can give it. In other words, out of a total certified as physically or mentally defective by the Public Health Service—I take it that that is on the first examination—a total of 23,969, only 2,833 were deported. Now, what do you understand is meant by that term in these reports "Certified as physically and mentally defective"? I am not talking about some peculiar defects. I am talking about those things that are named in the law and named in this report and that govern the Public Health Service in passing on immigrants. Now, what do you understand by that term "certified"?

Mr. GOTTLIEB. The commissioner should not have embodied both "physical and mental defects."

Mr. BOX. Well, the law does embody both, does it not?

Mr. GOTTLIEB. Yes; that is an unfortunate condition.

Mr. BOX. Do you blame the commissioner for following the law?

Mr. GOTTLIEB. No. The law should have been so made that it enumerated diseases separately.

The CHAIRMAN. They are enumerated in the table; but he has left that out. For instance, it says "senility."

Mr. GOTTLIEB. Well, you know what they mean by senility; sometimes a person is 40 years old—

Mr. BOX (interposing). I do not want the individual cases. I want the final data; and I want the opinion of the witness as an expert dealing with these matters. Have you got that report before you?

Mr. GOTTLIEB. No; I have not.

Mr. BOX. You have not discovered that this report shows that more than 21,000 out of somewhere above 23,000 who had been certified as physically and mentally defective have been admitted. You have not discovered that?

Mr. GOTTLIEB. Well, of course, I can not—

Mr. BOX (interposing). Can you answer the question?

Mr. GOTTLIEB. I am telling you that I think the 21,000 were properly admitted.

Mr. BOX. What is that?

Mr. GOTTLIEB. I am telling you that I think the 21,000 were properly admitted, after sifting down and examining every one, and going through the different processes of —

Mr. BOX (interposing). Is it not true, sir, that that is after your society and Member of Congress and the Senate and everybody else have brought all sorts of pressure to bear to get these people in, that their views are changed as to whether these aliens are defective or not?

Mr. GOTTLIEB. Well, we may all change our views; we may think one day that we are right and the next day that we are wrong—

Mr. RAKER (interposing). I want to ask him one question right there.

Mr. BOX. Well, I want to follow this up.

Mr. GOTTLIEB. I am answering the question. I say this—that if the Board of Review and the administrative officers at the Department of Labor saw fit to admit 21,000 of those people, then they must have been admissible.

Mr. BOX. After the law had said that the Public Health Service should pass on their physical qualifications?

Mr. GOTTLIEB. Correct. But they are all subject to an appeal.

Mr. BOX. Yes.

Mr. GOTTLIEB. And you know after the cases have been passed by the Public Health Service, they go up before the Department of Labor; and they examine the case and if they find that the person is not afflicted with a contagious disease; that he is just afflicted with a disease that is easily curable, then they may admit.

Mr. BOX. Just a moment. You think that a public official, a bureau chief with his assistant or clerk, and with the papers before him, and with a Congressman or representative of some racial bloc before him insisting on the admission of the man, can come nearer

to telling whether the alien is admissible than the Public Health Service down there looking at the sick man and examining him?

Mr. GOTTLIEB. The Public Health Service does not pass upon the alien for admission or nonadmission. The Public Health Service simply says, "We find this alien afflicted with this disease."

Mr. Box. Then why this official report showing that they are certified for that purpose?

Mr. GOTTLIEB. They are certified for that purpose, but nothing else. They do not pass upon the admissibility of an alien; the Public Health Service simply examines the alien.

Mr. Box. I understand; and you think that the official is warranted—especially if the alien is a member of some bloc, or if he has some strong political influence behind him, or some astute lawyers to present his case—is warranted in ignoring what the Public Health Service has said?

Mr. GOTTLIEB. I tell you I have great confidence in the present officials, and I think they are administering the law to the best of their ability.

Mr. Box. Doctor Gottlieb, is not substantially that same thing true as to figures—the proportion varying; but is not that true, substantially, of aliens coming in during the last six years?

Mr. GOTTLIEB. Well, now, that is a matter that I would want to study a little more—

Mr. Box (interposing). Just a moment. In studying this question solely from the standpoint of the interests of the United States, why is it that you have not seen that fact in the reports?

Mr. GOTTLIEB. I have not seen this last report.

Mr. Box. It is in all the reports.

Mr. GOTTLIEB. I have seen the other reports. I can not judge this matter for the last six years, because when we were at war there were a great many aliens who came into the United States whom it was impossible to return. I know during the war a good many feeble-minded persons were admitted, but they were admitted temporarily. There is that case of Sammy Goldman that you mentioned; that boy came in during the war; he could not be deported then.

Mr. Box. I am not talking about the difficulties of deportation.

The CHAIRMAN. Have they got him out yet?

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. Do you think so?

Mr. GOTTLIEB. I think the last report was that Judge Carpenter, in Albany, dismissed the writ.

Mr. Box. Mr. Gottlieb, is not the same thing true of all the reports since the war closed, and is it not getting worse? I mean, is not the number getting very much larger since the war?

Mr. GOTTLIEB. I beg your pardon.

Mr. Box. Have you seen the reports?

Mr. GOTTLIEB. I have not seen that for this year.

Mr. Box. Well, do you question the accuracy of my statement?

Mr. GOTTLIEB. No; I do not.

Mr. Box. Is it not true that in 1919 only 75 per cent of that class of aliens were admitted, and now, in 1923, 90 per cent have been admitted?

Mr. GOTTLIEB. Well, the medical certificate is not serious, and might not be mandatory exclusion cases.

Mr. BOX. You mean the examination is not serious?

Mr. GOTTLIEB. Yes; the examination is serious, but not conclusive, regarding deportation.

Mr. BOX. Well, if the examination is serious, ought not the certificate based on it be serious?

Mr. GOTTLIEB. I know; but if the certificate is defective—for instance, if a certain disease that a person is afflicted with is not contagious, that is not mandatory, yet the officials have refused to grant hospital treatment.

Mr. BOX (interposing). Just a minute. I want you to go through this list and tell me how many of these instances where aliens have been admitted—in each case whether it is true that exclusion of the person having the disease is not mandatory.

Mr. GOTTLIEB. I will gladly do that.

Mr. BOX. All right. Alcoholism.

Mr. GOTTLIEB. Well, I do not think that I would exclude that person.

Mr. BOX. You would not exclude them at all?

Mr. GOTTLIEB. No.

Mr. BOX. You think it is all foolishness to have that in the law?

Mr. GOTTLIEB. I do not say that. That is a matter not for me to discuss.

Mr. BOX. It is in the law, it is not?

Mr. GOTTLIEB. It is; but that should not be ground for exclusion.

The CHAIRMAN. Yes; chronic alcoholism is excludable.

Mr. GOTTLIEB. Is what?

The CHAIRMAN. Is excludable.

Mr. BOX. "Contagious, transmissible and communicable diseases"?

Mr. GOTTLIEB. They are excludable.

Mr. BOX. They are excludable?

Mr. GOTTLIEB. Yes, sir.

Mr. BOX. But they go to make up part of this number I have read you.

Mr. GOTTLIEB. I do not think so.

Mr. BOX. Well, if you will look at the report you will think so.

Mr. GOTTLIEB. I am willing to look in the report.

Mr. BOX. Well, I will give you the figures: One hundred and sixteen having those communicable diseases were admitted and 133 were excluded, all of them having been certified by the Public Health Service. See page 142 of the report.

Deformity, malformation, and a long list of cases, the names of which are sufficient to make them seem excludable. What do you say about epilepsy?

Mr. GOTTLIEB. They should be excluded.

Mr. BOX. Well, all of them were not; look at the report. Feeble minded?

Mr. GOTTLIEB. Absolutely excluded.

Mr. BOX. All of them are not; look at the report. Idiocy?

Mr. GOTTLIEB. They should be excluded.

Mr. BOX. All of them are not. Imbecility?

Mr. GOTTLIEB. They should be excluded.

Mr. BOX. Insanity?

Mr. GOTTLIEB. Absolutely excluded.

Mr. BOX. The whole list, sir, shows admissions of those classes.

Mr. GOTTLIEB. Well, they must have had wonderful lawyers, or they must have had wonderful friends; either one.

Mr. BOX. I want to ask you a question, sir. You are a citizen, and you know——

Mr. GOTTLIEB (interposing). I do not know; I do not think that the Department of Labor would permit such cases to go through.

The CHAIRMAN. Well, we are all of one mind, that we must pass a law that none of that kind shall even start for this country.

Mr. GOTTLIEB. Absolutely; shall never start.

The CHAIRMAN. That is what you mean by "selection"?

Mr. GOTTLIEB. Yes, sir.

The CHAIRMAN. Now, we want to cut out beggars and public charges and defectives of every kind.

Mr. GOTTLIEB. Yes, sir; all of those; and as I say, these people could be admitted upon the application of their relatives here in this country.

The CHAIRMAN. Even if they are professional beggars?

Mr. GOTTLIEB. No; if they are professional beggars we do not want them.

Mr. BOX. I want to ask one more question. If we can not exclude them with the machinery we have here; if we can not make such an examination here, under our own sovereignty, as would be a safe guide to our Department of Labor in passing on them, I want you to tell this committee how, under the international law, we are going to establish agencies in Europe by which we can examine there any better than we are doing here. Now, just tell the committee how.

Mr. GOTTLIEB. I am not very familiar with how international law will operate in this; but I believe that in our own consular offices we should have the right to examine aliens.

Mr. BOX. Are you familiar with that subject?

Mr. GOTTLIEB. I do not pretend wide knowledge of this subject. I am stating what my presumption is, that our position would be the same as foreign ambassadors here; we have no right to come in and interfere with their business here.

Mr. BOX. Well, Mr. Gottlieb, do you not know that it is a fact that foreign powers have—I will not say universally, but well nigh universally—protested and informed our Government that the examination of aliens is not a part of the functions of a consulate, and they can not permit it?

Mr. GOTTLIEB. I know that, but a treaty can arrange that.

Mr. BOX. You know that is a fact, and you know it has been a fact for some 20 years, do you not?

Mr. GOTTLIEB. Yes; I know it has been a fact; but I thought now you had remedied that.

Mr. BOX. I do not know how. But that has gone on for 20 years,<sup>o</sup> and we have not that right, and we have no treaty giving us that right; and I want you to tell this committee how we can begin now and get treaties executed which will give us the right we have been trying to get for 20 years and have failed to get.

Mr. GOTTLIEB. Well, I am sorry I am not in a position to give you that. I think the Secretary of State would be in a much better position to tell you that.

Mr. Box. Do you remember what he said to this committee about that?

Mr. GOTTLIEB. I believe our consul, together with an immigration inspector, if they saw fit, could decline to grant a visé. They can tell whether the person who makes the application is or is not admissible to the United States.

Mr. Box. Well, our consul, if we keep one there, can probably withhold his action. I am not going into a discussion of that. But what I want to fix your mind on as a lawyer is this—and I base it on the official reports, and not on what people have said at dinners, and things of that sort—that the Italian Government and practically every other Government in the world with whom we have diplomatic relations has protested that the selection of immigrants is not a part of the functions of the consulate. You know that the maintenance of a consulate or an embassy is a treaty matter?

Mr. GOTTLIEB. Correct.

Mr. Box. And you know that the scope and activity of that consulate is just as much a part of the treaty as the consulate itself. Now, if foreign governments all tell us that they object to our maintaining that activity; that extension of our activity in our consulate is not acceptable to them, I want to suggest to this committee, from the standpoint of the interests of the United States, how it is going to assume that that is not the fact, or that that fact will be changed in a few weeks, in time to enact any legislation.

Mr. GOTTLIEB. Well, it may be that unless you can get the sanction of the foreign government you can not get much further.

Mr. Box. Well, I think I agree with you.

Mr. RAKER. Just one question I want to ask him. You are familiar with the law that provides that any steamship company that brings an excludable alien to the United States shall be fined \$300 for each one brought?

Mr. GOTTLIEB. \$200.

Mr. RAKER. No; \$300.

Mr. GOTTLIEB. I assumed it was \$200.

Mr. RAKER. Yes. If there were 20,000 brought in this last year, certified by the Public Health Service, there would have been turned into the Government, if they had been fined, \$600,000. Can you, in your imagination, see anybody interested in having these people landed after the Public Health Service certifies that they are inadmissible?

Mr. GOTTLIEB. Well, their appeal was probably sustained.

Mr. RAKER (interposing). No; I say, can you see, from your imagination, anybody interested there to the extent of \$600,000 in having them landed?

Mr. GOTTLIEB. Judge Raker, I tell you I can not say anything about this matter. My duties at the Department of Labor were to check up 10 or 15 cases—or perhaps 16 or 18—that were sent to me, and take them before the Board of Review, and argue the cases, and later find out whether the alien was or was not admitted; and after I got through with each of those cases I went about my business. I never interfered with anybody else; I do not know whether the steamship companies paid anything or not.

Mr. WATKINS. Were you ever employed by any steamship company to get any of those cases through?



Mr. GOTTLIEB. No, sir.

Mr. WATKINS. Was any such matter referred to you?

Mr. GOTTLIEB. No, sir.

Mr. RAKER. Let us get clear, once for all, that the record made at the ports of entry is an affidavit and other matters that the immigrant presents and his friends present to the immigration officials.

Mr. GOTTLIEB. Not from here.

Mr. RAKER. I say that the record——

Mr. GOTTLIEB (interposing). But listen to this: You speak about a port of entry here. Do you mean the port of entry here or the port of embarkation?

Mr. RAKER. I mean the port of entry.

Mr. GOTTLIEB. Well, there is no record made.

Mr. RAKER. When the party comes up and is excluded, the record is made at the port of entry?

Mr. GOTTLIEB. Correct.

Mr. RAKER. There is a record made there?

Mr. GOTTLIEB. Yes.

Mr. RAKER. Now, when that appeal comes up, not only that record but affidavits, certificates of doctors, statements, and letters of individuals and organizations, personal interviews, personal appeals, and what not, are presented to the board to show that the applicant should be admitted. Is that not the method in which these cases are disposed of on appeal?

Mr. GOTTLIEB. Not in every case.

Mr. RAKER. I did not say in every case.

Mr. GOTTLIEB. Well, there are many cases——

Mr. RAKER (interposing). That is the general procedure, is it not?

Mr. GOTTLIEB. Yes; but not medical certificates.

Mr. RAKER. I said affidavits from physicians.

Mr. GOTTLIEB. No; no physicians. Now, assuming that John Doe, for instance, came into Ellis Island, N. Y., with his wife and three children, and he was destined to his brother-in-law, who resides in Chicago. Now, suppose that board of inquiry is not satisfied that John Doe and his wife and three children will earn their living when landed; they exclude him as liable to become a public charge. Immediately the society at Ellis Island wires to the brother-in-law at Chicago, and says, "Furnish affidavit so that it can be presented to the Department of Labor showing your financial condition." Those affidavits will be made part of the record. Now, those affidavits come in to the Department of Labor.

In the meantime, the brother-in-law has a cousin, or he knows the Congressman. He runs up to the Congressman's office, and says, "My brother-in-law is in trouble; he is held in Ellis Island." Well, if the Congressman is in Chicago, he telegraphs to the Secretary and says, "I am interested in this case, and I want to be heard." If he is not in Chicago but is in Washington, his secretary telegraphs; or the Congressman perhaps comes up to the department himself, or sends a letter. That is presented to the department. But no doctor's certificate, because the department will not recognize any outside doctor's certificate.

Mr. CABLE. Do you think the Congressman's letter or his personal appeal makes any difference with the board?

Mr. GOTTLIEB. It helps the constituent think the Congressman is doing something for him.

Mr. RAKER. In other words, the case is finally decided, upon presentation of personal appeals, affidavits, and other statements, telegrams and what-not to the department, in addition to what was presented when the applicant was rejected?

Mr. GOTTLIEB. Yes, sir.

Mr. RAKER. So that one looking at the record after it was finally disposed of and the immigrant was admitted would be unable to tell what evidence or what statements had been presented to the department?

Mr. GOTTLIEB. No; pardon me. The practice of the Department of Labor has been for the last few years to write an opinion in every case. In that opinion you will find a reason why a person was rejected, or why the appeal was sustained.

Mr. RAKER. No; you did not quite understand me, and I want to make it clear. One reading the record of the final disposition of the case would not know of the personal appeals, personal presentations and statements that had been made to the board of appeals or to the party having the case to dispose of finally?

Mr. GOTTLIEB. Oh, yes, he would know.

Mr. CABLE. Are the appearances noted in every case?

Mr. GOTTLIEB. The appearances are noted and an opinion is written.

Mr. RAKER. There is nothing there as to what was said?

Mr. GOTTLIEB. Yes, the record is there. There is a hearing before the board of review; and after they hear the case they write an opinion, and that is signed by the chairman of the board of review, and approved by the Secretary of Labor, or his assistant.

Mr. BOX. If a great number of Senators and Congressmen write protesting against the deportation of Emma Goldman or Alexander Berkman, does the Secretary note that in his opinion?

Mr. GOTTLIEB. I do not think any Member of Congress or Senator has ever opposed the deportation of Emma Goldman.

Mr. BOX. Well, you could submit that for the consideration of this committee.

Mr. WATKINS. If they did, would the opinion show it?

Mr. GOTTLIEB. I do not think they did; I think she was properly deported.

Mr. BOX. Did you say there was no record about it?

Mr. GOTTLIEB. I did not say there was no record about it. I said there was no Senator or Member of Congress that would appear and ask for a stay of her deportation.

Mr. BOX. Doctor Gottlieb, if you were in Congress, you would know some things better.

Mr. GOTTLIEB. Perhaps a man out of Congress knows better what is in Congress than the Congressmen.

The CHAIRMAN. All right, Doctor Gottlieb. We are much obliged to you for your statement.

Who else is here that wants to be heard?

Mr. GOTTLIEB. Mr. Chairman, may I reserve the right to present the certificate or anything else that you want?

The CHAIRMAN. Yes; you may give them to the clerk.

Mr. BOX. Mr. Chairman, may I have permission to insert a table showing the number of mental defectives certified and the number admitted during the last six years?

The CHAIRMAN. Yes.

Mr. CABLE. That is an important subject, and I think we ought to put that in separately when we come to that particular subject.

Mr. BOX. I merely want to copy the official records.

The CHAIRMAN. Do you want it inserted at this place?

Mr. BOX. If the gentleman thinks it should go in at this place.

The CHAIRMAN. Well, Judge Raker has some amendments on that very subject, and I thought we could put it in when that subject comes up.

Mr. WILSON. Mr. Chairman, in all these hearings, each member of the committee and the witnesses will have the right to revise?

The CHAIRMAN. Yes.

Mr. BOX. But I wanted these tables to go in at some place.

The CHAIRMAN. They should be printed. The tables in the reports of the Commissioner General of Immigration are very important, but they are not indexed, and it is very hard to find those you want.

Mr. BOX. I only want the cream of them.

The CHAIRMAN. All right.

I might say that I received a telegram to this effect:

On information of Congressman Dickstein that hearing on immigration has been postponed, the committee of foreign-language newspapers canceled the arrangements for Washington and will await further opportunity to appear before the Immigration Committee.

That is signed by William Edlin, chairman.

Mr. BOX. Mr. Chairman, did we postpone these hearings?

The CHAIRMAN. No. Mr. Edlin telephoned Monday night that he would be here Wednesday; and I replied to him that the hearings were now in progress and we would appreciate his attendance tomorrow; and I hope he can be here. He is a witness representing the foreign-language newspapers.

Now, who else is in the room that would like to be heard?

Mr. WALLACE, do you want to be heard to-day?

Mr. WALLACE. I anticipate that there will be some witnesses here who will give some evidence that I would like to be heard in rebuttal of. I would, however, like to make a preliminary statement, with the understanding that I could be heard later.

The CHAIRMAN. We will be very glad to hear you briefly.

#### STATEMENT OF MR. EDGAR WALLACE, WASHINGTON, D. C., REPRESENTING AMERICAN FEDERATION OF LABOR.

Mr. WALLACE. Mr. Chairman, my statement, to begin with, will be in the way of an answer to a question asked by Congressman Box; and the answer, in my opinion, is contained in nearly every one of those bills before this committee. The bills, as I understand them, make provisions for selection of immigrants abroad; that is, that the Immigration Commission or the Bureau of Immigration shall have agents abroad who will aid in checking the immigrants there.

Every Congressman knows of cases that have been brought before them—and before the citizens of the country—entailing terrible hardships; entailing divisions of families, and of such a nature that

any man with any human feeling would try to intervene, even to the extent of evading the law to a certain extent.

In the opinion of the American Federation of Labor, this can be averted by having a double—more than a double—check, inasmuch as if we establish immigration agencies abroad they would have access to the antecedents of the intending immigrant.

Now, Judge Box asked a question, "How can we insist upon the right to examine those immigrants on the other side?" and he made a statement that certain governments have objected to that extra-territorial right. If I understand these bills correctly, they are drawn on the premises that immigration into America is entirely subject to the will of the people now here, the citizens of this country and the Government of this country; that we do not have to admit anyone unless we want to.

We can say to those governments, "You have a perfect right to object. Neither shall we insist upon having any department of the Bureau of Immigration in your country to examine the potential immigrants into America. But if we can not select those people we will not admit them." The question is, then, whether we need the immigrants worse than they want the emigration from their country.

I have in mind that during the war I was over in Italy, with a mission of labor men. And we were called to meet the commissioner of emigration. I want to emphasize that: That there is a commissioner of emigration, which implies that there is a bureau there that aids or selects those who leave that country. And this commissioner of emigration called our attention to the fact that in the four years of war it had been impossible to have any emigration from Italy; in addition to that, certain of their citizens had returned from this country to engage in the war; had fought in the war; that prior to the war emigration from Italy had been at the rate of 250,000 a year.

The CHAIRMAN. To the United States?

Mr. WALLACE. To the United States from Italy. And that considering those who had returned, the commissioner of emigration of Italy calculated that we owed them the admission of 1,500,000 of their subjects. Evidently, they wanted to get rid of that number, and they wanted us to take them.

Now, I submit that if we do not want the immigration as badly as they need the emigration, whether it be Italy or any other country, we have the right to define the conditions under which immigrants can come to this country. And if any country takes umbrage and does not want us to have that extra-territorial right, why, then, we will not object; but we need not accept immigrants from that country.

Now, it is true, as the judge said, that the present consular service is not fitted for that particular duty. But I maintain that we can set up a service there, even as we have set up a service here, for that particular purpose.

The CHAIRMAN. Along that line, it must be apparent that if we have treaties with the various countries we desire to maintain the treaties and have reciprocal relations. We claim, however, that immigration is an internal matter of our own. Now, then, if, as Judge Box and others say, the handling of immigration is not properly a function of the consular office, we then can fall back upon the right of the consul to refuse a visa; and when we furnish a ques-

tionnaire with complete information concerning a prospective immigrant as a warrant for the refusal, are we not then fully within our rights in the use of the consular office for the protection of the United States by rejecting those who either can not fill the bill here, or whose antecedents are such that we have a right to fear that they will give us an inferior class of people?

Mr. WALLACE. We are within our rights; but from experience I want to say that it is rather cumbersome for the consular service, which is chosen for an entirely different function, and the personnel generally is not such as could look into that matter as thoroughly as we could wish; and I believe that a special service should be built up in each one of these ports of general departure that would answer the purpose better than any consular service.

The CHAIRMAN. Do you think that would require a treaty with those countries?

Mr. WALLACE. I do not see that it would, necessarily—with this understanding, that these are our conditions, and if they do not want to submit to those conditions, why, then, we can get along without immigration from that particular country.

Mr. BOX. Mr. Wallace, a moment on that point. I do not want to be misunderstood. If something like that could be done, it would be a delightful thing; but I do not want us to undertake a vain thing. I know you are interested in our doing the substantial thing and the right thing with reasonable promptness. We have treaties with foreign countries now in force that are binding on the Government and are the supreme law of the land. Of course, Congress, with the approval of the President, could pass an act that would supersede those treaties. But we have treaties now that would entitle their people to the same treatment that other peoples receive, and if we pass a law saying, "Unless you give us rights which we do not now have; unless you make a treaty conferring on us additional rights, cumulative to those we have, we will ignore the rights you now have," would not that be the effect of an act of Congress which said, "You have a right to object to our setting up this immigration agency in Italy" or in any country, and there are many such countries. "If you object, we are going to punish you by completely stopping all immigration from your country?" That would not grieve me; but I am talking about international relations.

Mr. WALLACE. I understand, Judge.

Mr. BOX. Now, how would you overcome that difficulty? Would you propose that this committee report to the House and that the House and Senate pass a bill saying to Italy, in the face of its official protest (and Secretary Hughes tells us that there are many other such protests), "If you do not make this agreement now that we demand that you make, we will not let any of your people in?" Would you suggest that we do that?

Mr. WALLACE. Judge Box, I would not make that provision for Italy. But I would make it so general to all countries that no country could feel that it was being discriminated against. If that becomes our law to govern something that interests us, I do not see that other Governments have any more right to object to that than they might have to object to their present quotas or any other rule.

Mr. Box. Suppose Canada wanted immigration stations in the United States, and wanted to leave all the refuse here and pick out the best and leave it there, do you think Canada could demand of us that we let the millions tramp across this country and leave the refuse of the immigration in the United States and take the best of it into Canada?

Mr. WALLACE. Well, in the beginning, there are not millions.

Mr. Box. I know that.

Mr. WALLACE. But if we need the emigration, as distinguished from immigration, from this country, and those are the conditions laid down by Canada under which we can send our surplus population there; yes.

Mr. Box. You understand, Mr. Wallace, that our immigration is not all from the port countries. I speak of those who are merely passing across the United States towards Canada. These people that come here come from the interior and the back countries. And you know France has objected to their even trailing across France. Now, you could not go to every little village in the country and select them there, could you?

Mr. WALLACE. At least, you could prevent people being brought to our shores and then it being put up to us, in the name of humanity, "Are you going to send these people back?" Let those people and the ports protect themselves against people who can not be transported further.

Mr. Box. In other words, not let them admit them on their way over here?

Mr. WALLACE. I do not mean that altogether, Congressman Box. I do not mean that the other countries shall permit any one to go across their country or go to their port of departure in order to be sent to this country. But if such a law was enacted by the United States Congress for the protection of America and those countries knew it, they, in turn, would take means to prevent those who can not go through from coming to their ports.

The CHAIRMAN. In that connection, let me read you something that I discovered last fall, and have verified since. This is a dispatch in the Russian newspaper, *Novoe Rousskoe Slovo*, published November 10, 1923; the dispatch is dated Bucharest, and it says:

Out of a total number of 6,000 Jews who should have been sent back to Soviet Russia, 3,000 have been permitted to remain in Bessarabia for a period of nine months. That is, until the opening of the new United States quota. The remaining 1,500 will be sent to Argentine and Uruguay.

Now, you see we have that situation of 3,000 Russian Jews being temporarily domiciled in Bessarabia awaiting the opening of the new American quota, so that they may be admitted from Russia.

Mr. WALLACE. They would have no more right to complain of such a law as is anticipated in this bill than they would have a right to complain of the nine months' delay.

The CHAIRMAN. Yes; they are probably complaining about that. Now, can you see any reason why the United States consular agents in Bessarabia should not refuse every one of them, on securing actual proof that they were carried there to take advantage of some quota that was not properly theirs?

Mr. WALLACE. Well, of course, there are contributing causes. And if they thought that, outside of the fact that they had arrived in that

particular place too late for the quota; if they were people who would make good citizens of this country and were otherwise admissible, I do not think that should be held against them.

The CHAIRMAN. But the point is this: That Bessarabia had ordered them all back to the point from which they came, Russia.

Mr. WALLACE. Yes.

The CHAIRMAN. And then later, that they might tarry there; the Bessarabia authorities agreed that a certain number should stay. And that is going on all over Europe.

Mr. WALLACE. Yes; in many ports of Europe there are concentration camps, you could call them.

The CHAIRMAN. Yes. Marseille, France, is one.

Mr. RAKER. Mr. Wallace, speaking of the humanitarian idea that you conveyed in your opening statement, about the trouble these people have when they get here and we send them back. You are familiar with the law, are you not, providing that the steamship company shall be fined \$300 for each one that they bring here that should be excluded?

Mr. WALLACE. I am familiar with that law; but no case has come to my attention where any steamship company has ever been penalized under the law.

Mr. RAKER. You are familiar with the fact that they have a physician who makes an examination before they embark?

Mr. WALLACE. And their object is to get the transportation fee, provided they can get away with it; and if they have a certain number sent back, that is placed against those that they have managed to bring in.

Mr. RAKER. You are familiar with the fact that these people are desiring to better their condition?

Mr. WALLACE. Yes, sir.

Mr. RAKER. That is one of the main things?

Mr. WALLACE. Yes, sir.

Mr. RAKER. And that if out of 24,000 some 22,000 got past the doctor's certificates, they are going to run the risk of trying to get past the others, are they not?

Mr. WALLACE. Naturally, they will.

Mr. RAKER. Do you not think this bill safeguards the immigrant all he could ask if he is required to make an affidavit of his life history, practically, before he gets his visé?

Mr. WALLACE. And furthermore—

Mr. RAKER (interposing). And gets his picture and handwriting and fingerprints and everything—that that gives him every opportunity, and he can not stand at the door here and complain if he is rejected when he comes here because he swore to something that is not true?

Mr. WALLACE. If all those things are done abroad, and if in addition to that our people abroad would have an opportunity to look into the antecedents—

Mr. RAKER (interposing). Well, this affidavit requires that, as provided in this bill.

Mr. WALLACE. Why, it would do away with the greater number of those hardships at our door. There may be hardships over there, and no doubt there will be.

Mr. RAKER. Is not that provided for fully in this proposed legislation?

Mr. WALLACE. I consider it is.

Mr. RAKER. And just in that connection, in talking with the Italian emigrant commission, did you learn from them the object and reason that they claimed that they were entitled to a million and a half more immigrants, because of their inability to have them come here during the war period?

Mr. WALLACE. The reason given by him was the ever-increasing population, and the birth rate, as you know, is very high there, and the country is limited, and the necessity of having so many of their people come across here, ostensibly to become citizens of this country. I have had some experience, however, with that class of people, and I find that a great number of them only come here temporarily; they make a certain amount of money, send a certain amount of money back, and then return themselves, in effect draining the country. And I have good reason to believe that that is quite a source of revenue to that country—the emigrants here.

Mr. RAKER. Well, was or was not that idea conveyed to you in Italy?

Mr. WALLACE. Not at all; no, sir.

Mr. RAKER. Have you read an article from the *Newcomer*, formerly the *Il Cittodino*, published in Chicago, Ill., which gives this résumé on that subject:

As to the economic conditions in Italy, the press announces that Mussolini has instructed the Italian ambassador to make energetic representations to the American Government in reference to further contemplated restrictions of immigration. The ground upon which the representations are to be made is economic. The Italian Government fears that if immigration to this country will be further curtailed and remittances from Italian immigrants to this country reduces or is forced to cease, economic conditions in Italy will approach the danger point and a terrible disaster may ensue.

Mr. WALLACE. Well, I would be very sorry to have an economic disaster occur in Italy; but I would sooner have it occur in Italy than in America. I know, speaking as a workingman, as a coal miner, and as a representative of the working people, that just as surely as those people come in great numbers to our industrial plants the American worker disappears. The American will work, statements to the contrary notwithstanding; he will even work as a laborer. Gentlemen, I live in a little town in the mid-West; and it is all American, in fact. There are a few, like myself, from England (and I have been 40 years in this country); but very few foreigners there.

The CHAIRMAN. Foreign-born, you mean?

Mr. WALLACE. Foreign-born; yes, sir. And those people will work at any trade, at any calling—as odd-job men even. But there is no social distinction made. The banker who is worth half a million dollars will entertain the odd-job man and his family, and then the odd-job man will entertain the banker and his family. But when you make that odd-job work the work of an alien, the work of a negro, the work of a Jap, then the American will not work at it. But he will work, and he will do any kind of work necessary, except where it is recognized as throwing a social—I do not know what to call it—

The CHAIRMAN. Class distinction?



Mr. WALLACE (continuing). Ostracism upon him, yes; and he will not do the work if it is recognized as the work of some certain class of people.

Mr. WATKINS. Let me ask you this: Looking at it solely from the standpoint of the United States, would you consider it good or bad policy to suspend immigration entirely for a few years, excepting, probably, members of the immediate families of those already here?

Mr. WALLACE. We have appeared before this committee, sir, time and again and asked for that—at least, until this country shall have a chance to assimilate the people who are now here, and until industrial conditions are such that we can safely say that we need more people in this country.

The trouble with this country to-day is not lack of production. We do not consume it all. We have too much wheat. They talk about the farmers needing men; and as a matter of fact, we are producing more agricultural products than we need, more than we can consume; and because we produce more than we consume, even the value of that which we consume is lowered by the fact of the surplus.

Now, why do we need foreign agricultural laborers? Let me tell you, gentlemen: The American boy will work and does work on the farm; and for the very reason that I have spoken of just previously to this statement: He knows that he does not lose caste by working on a farm.

In Mr. Raker's country—in certain sections of the country—when the Japs first came as laborers, the American boy left the farm, because it became a Jap's job. And eventually, what was the result? Those people that came here to work—agricultural laborers, if you will—became the owners of the land. And the same will be true of any set of people that you bring into any other part of the country to work the farms; eventually, they will own the farm.

The CHAIRMAN. They will either own it or be in a condition of serfdom, or tenant farmers.

Mr. WALLACE. Well, they would begin, possibly, by being tenant farmers, and eventually buy their way out.

Now, people are asking, if these people are thrifty, why should they not eventually own the land? And I want to say that I think that the people who cut this country out of the wilderness have a prior right; the people who came here first, and who took the plow west in their wagon (as depicted in this wonderful picture, *The Covered Wagon*, here at Poli's Theater this week), and who developed this country; who migrated as no other race in the world has migrated; who migrated with their women and children. They have the prior right in this country. And we object to their being driven out by people who are considered desirable, not because of what they can do, but because of what they can do without; who can live cheaper.

As I said before, this country is suffering from the lack of consumption, not from the lack of production; and we do not want men to come to this country and lower the standard of living. And for that reason I am in favor of even the 1890 census being the basis of quota, or some other method that would select the men and women who are really assimilable.

We had a meeting with the Secretary of Labor, and he read to us sections of his proposed bill. In that bill (and I suppose the members of this committee know about it) there is a dual method of computing

quota; one on the basis of the number of people of any nationality in this country according to the 1910 census—governed by the number that were naturalized in 1920. And you would be surprised to see the table he has worked out, which in effect shows that the same races of people who first settled this country are the ones who become naturalized in this country and proved that they are assimilable by the fact that they assimilate.

Mr. RAKER. Do you recognize the fact, in your argument and statement, that this Government, from its beginning until after its great trouble; after the Civil War which determined all its laws and all its principles and made it an established government—that to that time there were only 924 Italians that came to the United States; only 692 from Spain; 365 from Portugal; 422 from Austria-Hungary; 183 from the Russian Empire and Finland; 165 from Poland; none from Bulgaria, Serbia, and Montenegro; 5 from Greece; none from Rumania; 11 from Turkey in Europe; none from Turkey in Asia?

Mr. WALLACE. I did not have the figures, Mr. Raker. But I knew in a general way who were the original settlers of the United States.

Mr. RAKER. Now, are we doing anything wrong if we continue that same kind and character of government and civilization that was established from the beginning of this Government—from the Colonies down to and after the Civil War?

Mr. WALLACE. I consider not, Mr. Raker.

Mr. RAKER. Well, do you not think that it is in accordance with the American principles that we ought to maintain the same kind of government that was thus established?

Mr. WALLACE. I want to call attention to the part of the country from which Congressman Taylor of this committee comes, from which he is the Representative—the Appalachian Mountains of the Southwest. The people of those sections are about 100 per cent Anglo-Saxon. They have been isolated, and are possibly backward in some respects, because of the barrenness of the country. But they are self-contained, capable of taking care of themselves in every respect. And they have not decreased in number; in fact, they have increased in numbers, in spite of the fact that there has been no immigration. And I believe that the statistics will bear this out: that they have increased in about the same ratio as the rest of the United States, in spite of the fact, again, that that country is not as fertile or as desirable as some other parts of the United States.

Upon that I base this belief that the population of the United States would have increased about in the same ratio as it has increased with immigration if there had been no immigration.

Mr. RAKER. Now, having in mind the figures I gave you from Italy, which in 1865 had 924 and at the close of the fiscal year 1923 showed 4,505,133 who came from that country, do you think there would be anything in this statement published in the Italian paper to which I referred on Saturday, December 22, 1923, which reads as follows:

The Nitto incident shows clearly that Italy is unsafe to those who like to express their free and unbiased opinion, and possibly to others. The plea of Mussolini about emigration shows that the Italian finances are far from settled and that what keeps Italy alive is her emigration—a thing we repeatedly stated to the boneheads of this country and to the peoples of other countries.

Do you think there is anything in that statement?

Mr. WALLACE. I believe there is; but is he writing for Italy there, or in favor of foreign immigration?

Mr. RAKER. There is a statement made, and I am asking you about it.

Mr. WILSON. Is that immigration or emigration that is referred to?

Mr. RAKER. Emigration.

Mr. WALLACE. I believe he knows just exactly what he is talking about. But I mean to say this, that if, because of our own necessities, we cut off part of the immigration from Italy, yet Italy will not be lost. She will be thrown upon her own resources. I traveled extensively in Italy, and along the Alps there is wonderful potential water power unused; some of it is being used, but it has not been developed to any extent. If she has to make her own living, Italy will find a way. Anyhow, I do not see why the necessities of Italy should be considered in advance of the peril of the United States—or why any other country should be considered first.

Mr. WATKINS. Do you not think that if we do not cut off this immigration we will be lost?

Mr. WALLACE. Absolutely; we will be lost as a nation.

The CHAIRMAN. Right in connection with your statement about Italy and your interview with the emigration commissioner, I would like to put in the record a letter, dated December 24, 1923, written by Leon Croizat, of Brooklyn:

DECEMBER 24, 1923.

The CHAIRMAN COMMITTEE ON IMMIGRATION,  
*House of Representatives.*

SIR: The New York American newspaper of the 22d of December reports the plan of the immigration law, temporarily agreed upon by House Immigration Committee, whereby it is provided that further quotas should be established at 2 per cent of the 1890 census, an additional quota of 1 per cent being allowed on the ground of same 1890 census for the benefit of close relatives of declarants who are in the United States for two years.

I deliberately shun to go through the spirit and the aim of the law, which is, after all, very far from being a law, drawn upon defective principles. I remark as follows: You are doing one of two quite different, widely apart things, namely, the not as yet extant rights of intending immigrants from 1924 ahead; the well-established extant rights of men who are already established here. As harshly as you could treat nonextant rights of intending immigrants still on the other side, nobody has the recognized right to interfere with you. But the simplest principles of common law show you that the extant interests of people who come here under the laws of 1917, 1920, etc., these sacred family interests can not be treated as not yet extant interests, as it clearly would be the case, putting on its feet a mummy census 23 years old which is absolutely opposite to real things now.

Deal with further immigrants as you like with 1890 census, but do not deal with family ties of established aliens here in 1923 with the historical 1890 census. It is simply unfair, for this 1890 census shows nothing now but fancy figures and will accordingly play havoc with real figures and facts.

I remark further: You ask two years' residence before granting the right of calling to this country relatives, under the 1890 census figures. This sounds much like this [since the 1920 quota law has been a home-breaking mill, for no steamship company was ever so foolish to carry children paying for half fare while accounting one head in quota]: "Since the figures of 1890 census gives, for instance, a fancy quota of 4,000 or 7,000 Italians, against 42,032 as prior quota census 1910, it must clearly be seen that no married man already here will have any decent hope to build up his home unless two and one-half or three years at least have elapsed."

Do you think that a decent man will keep here to dig out your dollars for such a long time? I take it that if such a man exists, willing to dig out your dollars at such a price, he must be tried first as guilty of family desertion and deported, for he does not understand his own home nor will he understand yours. If a desperado and wreck sticks to this country, for he has nothing left behind, he will feel, anyway, that you are forcing him.

I am reading this for the reason that the statement has been made that the Italian Government wants to send men here, without their families, to labor and turn their money over to be sent home and later to go back. In fact, the immigration commissioner of the Italian Government appeared before this committee, before Congress adjourned, and repeated that statement. I told him that the proper place to call was the Department of State.

I read further from this letter:

Either you are sincerely aiming to put an end to useless hardships, or not. If yes, I can not see the slightest reason for unnecessary hardships of feeble women and children, mostly of one or two nations, going further 2, 3, 4, or 5 years along. You agree that a day will come that those hardships shall be through. Do you think that it will endanger America if this day falls due in 1925 instead of 1927? If no, tell us frankly, desirable or not, "Go back, you aliens!" I, personally, will put on myself the blame of having foolishly believed that here a man was entitled to square and fair deals.

I ask you:

First. As far as family interests in the kind of those who are longing for their homes are concerned, quotas for relatives of people here at date December 31, 1923, should be maintained at the figures of 1910 census.

Second. The right of calling for relatives should be established after six or nine months from the date of declaration of intention for people here before December 31, 1923.

You know that the bulk of immigrants take their first papers after 6 to 12 months from the day of landing. So, in round figures, you can expect that the bulk of immigrants will have the right (if you stick to 24 months term) to call for their relatives after 18 to 24 months of residence.

I do not think that it will be immoral that those who have been fast taking up their first papers should be rewarded with the slight advantage of earlier call for wives and children. If you want two years' residence from people who will come after 1924, that's fair, for they will get the chance to come or not to come at their own pleasure. But we ought not now be trapped, who had not such chances to choose when we came here.

Trusting you will take this matter up at your earliest convenience, I remain

Yours sincerely,

LEÓN CROIZAT.

I am putting this in to offset a little bit the continual statement that the Italian people desire to come only to work, and it is worthy of consideration by the committee.

Mr. Box. Mr. Wallace, purely to aid in an understanding and a study of the question a little bit, the committee is considering a bill, as you know, that provides for some investigation, you might say tentative examination, on the other side. What in your deliberate judgment, supposing that can be put into effect, will be its result as to this: It is now claimed that thousands of the immigrants believe, when they get their passports viséed, that that entitles them to admission and a great hue and cry is raised when they are sent back, on the ground that the poor ignorant immigrants have been wronged and deceived by the United States. Now, suppose we establish a tentative examination over there—go half way or one-third of the way—and do go into the matter of their admissibility and announce to the world it is to be a European examination, but we retain all of our agencies here. The sieve works; we cut out a great many of them after they get here, after they have once been examined, after they have made a statement and certainly have greater reason to believe that they have been examined for final admission: Will that not create much more of a foundation for the claim than now, having gone that far to examine them, we have mislead them and taught them to believe we were passing on them over there, when they

come here and, by the thousands, are turned back, as they will be if the law is enforced? Will there not then be a greater strain on our law and a greater tendency toward the present rush?

Mr. WALLACE. I believe there is a great deal in what you say. At the same time, I believe so many people will have been stopped from coming to this country that it will be the lesser of two evils. I do not believe we will ever pass any law that will be absolutely satisfactory to everybody and without having some hardships under the law; but I believe you could take steps here to prevent, I would say, the majority of the hardships growing out of a restrictive law. Now, it may be true, and no doubt is true, that they will claim, inasmuch as they were passed on over there, therefore we have no right to stop them over here. Neither would I lessen the vigilance on this side. But I believe we will do the potential immigrants more good than we will do them harm by the investigation, and make that investigation as thorough as possible over there.

The CHAIRMAN. You would follow up that investigation to require the steamship companies to show they have made an investigation before we relieve them of any responsibility at all?

Mr. WALLACE. Why, of course.

Mr. WILSON. In your opening statement, you struck upon a point that is very much in the minds of the committee and in the minds of the country, and that is how we would go about passing a law for selective immigration abroad—that is, passing upon the qualifications of the proposed immigrant in the country from which he comes. Our Consular Service is more of a commercial proposition?

Mr. WALLACE. Yes, sir.

Mr. WILSON. And it is not very well qualified to handle the immigration situation—I think that is generally admitted?

Mr. WALLACE. Yes.

Mr. WILSON. Now, the question raised by Judge Box is that, whenever this question comes up of establishing the machinery in another country for passing upon the qualification of immigrants, the State Department notifies us that various countries are protesting. Now, as I understand, your position is that we should go ahead and prepare and pass our legislation for selective immigration abroad and then leave it to all countries alike——

Mr. WALLACE. Yes, sir.

Mr. WILSON (continuing). To make the proper arrangements by which this machinery could be set up over there?

Mr. WALLACE. Yes, sir; that is right.

Mr. WILSON. We would not be in the position, then, of making any petition to them or asking them to set up any machinery over there at all? And our position would be such that we would wait (to use a diplomatic term) until they have notified us to come in and set up the immigration machinery by which their people might come over here. Is that your position?

Mr. WALLACE. My position is that this is an American bill, intended to protect America. First, we restrict all immigration—all immigration. Then we make certain exceptions to suit ourselves. Any country that wishes to take advantage of those exceptions, that wants emigration from their country to this country, can accept our condition or leave them. That is, in a few words, my position.

The CHAIRMAN. We are obliged to you for your statement to-day and I will ask you to be here again to-morrow.

Mr. CABLE. Before we adjourn, I just want to ask one question and get the answer of Mr. Wallace. You say that we should pass a law admitting no nationals from any country unless they agree to certain conditions?

Mr. WALLACE. Yes.

Mr. CABLE. Do you not think Great Britain and countries like that would absolutely refuse to agree to those conditions, because they would think it hurt their dignity and they would want to keep their nationals at home?

Mr. WALLACE. Yes, sir, I would say they would if they want to keep their nationals at home. This is a condition that is not discriminatory against any one nation, nor against any particular nation, nor should it hurt their dignity and is merely for the protection of America. If any country gets offended at it, including England, Germany, or any other country, why we can not help it. Still, we have to protect America.

Mr. CABLE. Would not we suffer by getting the other kind of immigrants, then, because the nationals of the country that refuses to agree to those conditions would not be permitted to come?

Mr. WALLACE. One of England's colonies has practically that same law now, Canada. She makes discriminatory laws that will admit only the kind of people she wants. Why should England object, or why should any other country object to what we do to protect ourselves?

Mr. RAKER. Mr. Wallace, it is not a question of what the country objects to from which these people come; but if the same kind and character of people that originally started and continued to come to America for 65 years desire to come to this country, with the same thoughts and ideas upon which this country is founded and now should exist, ought not they be permitted to come, notwithstanding their own government might object?

Mr. WALLACE. I do not see how we could do that without putting in discriminatory clauses that would become objectionable. I do not believe those countries realize——

Mr. RAKER. It is not what the other countries object to, but what America wants?

Mr. WALLACE. That is it.

Mr. RAKER. The point is what America wants; not what some other country wants?

Mr. WALLACE. I do not believe those countries would take umbrage.

Mr. RAKER. Is this your thought, or point, that we ought not to put ourselves in the position that we would keep out, if we are going to have immigration, those people who have the same thoughts and the same ideas as those who founded America?

Mr. WALLACE. If you can point out any other way whereby we can bring about what you consider the desired result and what I consider the desired result, without showing such intentional discrimination and offending the dignity of some country, why it would be satisfactory; but I believe we must place all countries on the same footing, and put it up to them whether they want their subjects to come here and become citizens, or not.

Mr. RAKER. But, Mr. Wallace, don't you draw the distinction it is not what another country wants; it is what we want

Mr. WALLACE. Yes; I see that.

Mr. RAKER. Ought not that to be the primal purpose of any law passed?

Mr. WALLACE. You can make it that way.

Mr. RAKER. But I am asking you, as a good American citizen, as a man who has given a lot of thought to this subject, if the primal object and purpose of an immigration bill ought not to be what America wants and needs, rather than what some other country wants?

Mr. WALLACE. Oh, absolutely; yes; unqualifiedly.

Mr. RAKER. You agree to that?

Mr. WALLACE. Yes.

Mr. RAKER. All right. Now, do you know of any one case where the immigrant has been able to show that he did not know he was excludable from this country when he came here, if he was of age, if he was diseased—if he is the kind and character of immigrant named in those who are excluded, that he was ready to show, in good faith, that he did not know he was excludable before he started?

Mr. WALLACE. I have not had sufficient contact with the actual admission or exclusion of aliens to know that.

The CHAIRMAN. I will tell you of one, and that is where we were leading in the examination of Mr. Gottlieb: The law excludes persons with certain diseases, and here comes a man or a boy with favus, we will say, and he is set down by the surgeons as excludable, and then comes a proposition to have him put in a hospital in the United States to see whether or not a cure can be effected, and so one is rejected on account of having favus and not having made an appeal and another is put in a hospital to try and effect a cure.

Mr. RAKER. No; you do not get my point. Before the man started—do you know of any case where a person who was against our form of Government, who believed in sabotage and was against any form of organized Government, or was a prostitute, or procurer, or feeble minded, that did not know, before they started?

Mr. WALLACE. I know so many people in this country who have developed that frame of mind and that degeneracy you speak of, it must have been impossible for them not to know those things before they started; that is, I know so many people who have been in this country who, before they started, so evidently developed that frame of mind, or that degeneracy, your question implies, that it is unthinkable that they could not have known that those were their ideas when they started and that was their condition when they started.

Mr. RAKER. I take it from your statement now you are unfamiliar with any case or cases where the man or woman, of reasonable mind, did not know that he or she was excludable because of this defect which he or she had. That being the case, can you tell us any way or means that we can devise by any legislation that, if the same kind and character of people continue to come in the future, they won't make a howl because they are not admitted?

Mr. WALLACE. There can not be any method devised but what some man who wants to do something, and it is to his interest to do something and is deprived from doing something, will not feel injured.

Mr. RAKER. Then should we not keep in mind all the time, in this kind and character of legislation, "America First?"

Mr. WALLACE. Absolutely, yes.

Mr. RAKER. And then treat the other fellow reasonable and fair, but not give him an advantage?

Mr. WALLACE. That is fair and that is all he should ask. Now, Mr. Chairman, this questioning has gone such a long way that I have not been able to conclude. In a few words, might I say this for the American Federation of Labor, that the cry is raised all over the country "shortage of labor." At the same time, we see half the workers in industry now working at part time; we see 200,000 excess miners in the country. I do not know of any industry that wants men that can not get men; yet the cry is raised to bring in more people, to lessen the restrictions. We want to call attention to the fact that there are a number of men who are unemployed, a number of men who are working part time in this country, who are available if the industries that are now calling for foreign labor would grant and give conditions under which those men would work and could work and live, with an American standard of living. Now that is the primary object of the American Federation of Labor in asking for the restriction of immigration, that the men who are now here may have a opportunity to be fully employed and at wages that will lessen the difference between the productive power and the consumptive power in this country. We hold it self-evident, by the very fact that those people are unemployed so much of their time, that they are not able to consume sufficient of what they produce, and that means, the necessity, to better the conditions of labor and the standard of living, and does not call for the immigration of more people who will further depress the standard of living.

Mr. RAKER. Is it your opinion, Mr. Wallace, from your observation, that there are enough people in the United States to do the work as it ought to be done if proper wages and proper conditions were given?

Mr. WALLACE. Absolutely, yes.

Mr. RAKER. Then what is your opinion as to the effect upon American labor, American men and women labor, by virtue of mass employment like the Spanish or Mexicans on the railroads, the Italians and Greeks at certain places, where they employ practically all of one kind? What effect does that have upon the general employment of the great mass of workers, if any?

Mr. WALLACE. Let me say this, that they do not choose their Spaniards, Italians, or any other class of people because they like them better; they choose them because they will do with less. That is so whether they are employed in mass or as individuals. Hence, when they employ those people, generally they drive just that many American workers, living according to the American way, out of employment.

Mr. RAKER. Now, just tell us in a few words why does that drive the American boy or American man from these works where they are employed in mass?

Mr. WALLACE. First, because they can live on less: secondly, because the American worker hates to be classed with the green immigrant, and, when they come in mass you will see the American worker disappear. In Indiana, where I worked in the coal mines,



there were two sections where I worked, one around Clinton, where the person who speaks English in and around the mine is a foreigner, practically, because every one else is talking a different language, with the exception of the bosses.

I also worked in Sullivan County, in Shelburn, and there the reverse is true, nearly all Americans, English, Irish, Scotch, and Welch, and the farmers of that country are also the coal miners, that is, their sons work in the mines and the miners will go and seek work on the farms—it is really an American community. Now, I maintain that that is more desirable than the other condition I have described, where the American worker is practically driven from the mines and where the miner, even though he is an American, feels himself debased below any other worker. And that obtains around the steel mills or anywhere else where large numbers of newly arrived immigrants are employed.

Mr. RAKER. Then what is your view as to the mass employment speaking a foreign language, and its effect upon this country?

Mr. WALLACE. I would say this, Mr. Chairman, that eventually and in a generation those men, the foreigners, learn the English language and begin to understand English institutions, providing there is not a fresh influx all the time keeping up the foreign idea and the foreign spirit; that if we have restriction as rigid as possible, there will be an opportunity for the American idea and the American standard of living to develop among the foreigners—slowly, but it will come.

Mr. RAKER. What I want to get at is, from your judgment, now, and your observation, what is the effect now and what has it been of mass employment with foreign languages and foreign newspapers?

Mr. WALLACE. Colonization?

Mr. RAKER. And colonization that continues—what effect will it have upon our country?

Mr. WALLACE. Well, we will cease to be a homogeneous people.

Mr. RAKER. Is it detrimental to our form of government?

Mr. WALLACE. Absolutely; we will have a mass of conflicting settlements. When I say "conflicting," I mean of people who maintain old hatreds and old differences.

Mr. RAKER. Do I understand that the American Federation of Labor have taken in all of those considerations in their final analysis that they are in favor of a rigid restriction of immigration?

Mr. WALLACE. Yes, sir.

Mr. RAKER. It is not labor, alone?

Mr. WALLACE. It is not labor, alone, but the necessity for America, as a country, to become fully American in every section of the country.

Mr. RAKER. And continue?

Mr. WALLACE. And continue to be so.

Mr. RAKER. All those matters have been taken into consideration?

Mr. WALLACE. Absolutely. That consideration has even taken precedence over our interests as workers only.

Mr. RAKER. It has even taken precedence over the labor proposition?

Mr. WALLACE. Has even taken precedence over the labor proposition; yes.

Mr. RAKER. And that is well understood by the members of the American Federation of Labor; is that right?

Mr. WALLACE. Yes, sir; that is true.

Mr. RAKER. And they stand practically united for those principles over and above the labor question?

Mr. WALLACE. Yes, sir.

The CHAIRMAN. We are much obliged to you, Mr. Wallace.

(The committee thereupon adjourned to meet to-morrow, Thursday, December 27, 1923, at 10.30 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., Thursday, December 27, 1923.*

The committee met at 10.45 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. We will proceed with the hearings on the various bills before the committee, designed to further restrict and limit immigration into the United States.

Mr. Miller, of Washington, is present, and desires to be heard briefly on the provisions of the bill. Are you ready, Mr. Miller?

STATEMENT OF HON. JOHN F. MILLER, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF WASHINGTON.

Mr. MILLER. Yes.

Mr. Chairman and gentlemen of the committee, what I have to say here will relate to the admission of orientals. We on the Pacific coast are familiar with the oriental; for many, many years we have had a very effective exclusion of Chinese. They understand the law in China; we understand it here. And there has been built up a line of precedents under the Chinese exclusion act that, in my judgment, should not be interfered with in any way by immigration legislation now; and this act, in my judgment, should expressly exclude, or not include within its provisions, any change in the present Chinese exclusion laws, and should be very careful and very specific in that direction, because any alteration or modification, however small it may be, would lead subjects of China to believe that they could get into the United States.

Mr. Box. Is there any particular feature of the bill that suggests that to your mind, Mr. Miller?

Mr. MILLER. No particular feature of the bill; I am unable to find any. But I would have in the bill a specific provision to the effect that this bill shall in no wise affect present acts excluding Chinese citizens from the United States.

Mr. WILSON. Mr. Miller, what bill in particular are you discussing?

Mr. MILLER. H. R. 101.

Mr. WILSON. The Johnson bill?

Mr. MILLER. Yes. We are fairly settled with the Chinese; they can not come; they understand it; we understand it. There has been of late years an enormous number of other orientals coming to our country, the largest number being the Japanese.

Mr. Box. What others besides the Japanese, Mr. Miller?

Mr. MILLER. A few from the Straits Settlements; a few from India.

Mr. BOX. I saw a good many people who they told me were Hindus on the Pacific coast, and I wondered how they were getting in.

Mr. MILLER. I do not know.

Mr. RAKER. They are the remnants of those who came before the exclusion.

Mr. CABLE. Are you on the Canadian border?

Mr. MILLER. My district does not touch the Canadian border; no, sir.

Mr. CABLE. I was wondering if you knew anything about the smuggling of Chinese from that territory?

Mr. MILLER. Oh, yes. Everyone does more or less.

Mr. BOX. Seattle is in your district, is it not?

Mr. MILLER. Seattle is my district; yes.

Mr. BOX. How far is that from the border?

Mr. MILLER. About 80 miles; 80 or 90, depending on how you go.

Mr. CABLE. What is the price paid for the Chinese to be smuggled in; do you know?

Mr. MILLER. There is no standard price. There is not near as much Chinese smuggling as formerly. The immigration officials are too active and the Chinese understand it. They know they will in all probability be picked up and deported.

Mr. CABLE. Do many Chinese sailors come in to Seattle and then leave the vessel and become lost in the population there?

Mr. MILLER. Not to any great extent. There are a number of Chinese that come in on nearly every vessel from the Orient; and they have a system by which a blanket landing privilege is given them; a bond is given and sometimes they permit these Chinese to go ashore under the conditions of these bonds. The bond is so conditioned that upon the sailing of the ship these Chinese who have these shore leaves under the bond shall be returned to the ship.

The CHAIRMAN. Where do they get the authority of law to require bonds for Chinese sailors?

Mr. MILLER. I do not know where they get it. I have just been told that is the case; I have never seen that.

The CHAIRMAN. Well, that is done, but it is a necessary practice that has grown up to prevent the smuggling in of Chinese sailors coming here under the provisions of the La Follette act.

Mr. MILLER. Yes, sir; but there are not many Chinese that violate the provisions of the bonds; because they realize that they would be picked up; and of course; a certain amount of their wages is held up by the steamship companies, in order that they may fulfill the conditions of these bonds.

Mr. RAKER. Mr. Miller, you are familiar with the provisions of the act of February 15, and the provisions contained in section 38?

Mr. MILLER. I am fairly familiar with them. That is the act of 1917?

Mr. RAKER. Yes; it provides that the legislation (which is the immigration act of 1917) shall not in any way affect the Chinese exclusion act.

Mr. MILLER. Yes, I know that.

Mr. RAKER. And this bill and other bills pending also provide that the provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as

a part of such laws; and, further, a special provision is made in the Johnson bill, section 26, that even the term "ineligible" shall not apply to the Chinese exclusion act. So that up to the present time the law is not changed, and the disposition of the committee as to legislation is such that it will not be in any way, shape, or form.

Mr. MILLER. Yes. I have just had that provision of the bill brought to my attention, and I am very glad it is in it.

Mr. RAKER. In other words, you feel, as we do, that it would be very unfortunate to attempt in any wise to amend or alter the Chinese exclusion act?

Mr. MILLER. Absolutely. I agree with you absolutely.

Now, on the Japanese angle of the thing. The Japanese are an entirely different people from the Chinese. They are more self-assertive; they have a far more virile Government back of them; they are probably more anxious to come to the United States than the Chinese. They are not, however, the subject of contract treatment like the Chinese. They are of an entirely different temperamental make-up from a Chinaman; just as different as any two nationalities can be. I never have seen nationalities of a common race more unlike in temperament than the Japanese and the Chinese. There is no possibility of our people assimilating either Chinese or Japanese.

Mr. WATKINS. They are not the only ones, however, are they?

Mr. MILLER. I beg your pardon.

Mr. WATKINS. They are not the only races that can not be assimilated?

Mr. MILLER. No; you can not assimilate any race. God and nature made them to be maintained as near as can be in their purity.

Mr. WILSON. Your suggestion relative to letting the legislation remain intact applies to both Chinese and Japanese, does it not?

Mr. MILLER. We have no legislation against Japanese. That is what we are after.

Mr. WILSON. You want additional legislation in reference to the Japanese—in addition to our present understanding?

Mr. MILLER. Yes; certainly we do.

Mr. CABLE. What is wrong with that "gentlemen's agreement?" Are the Japanese coming in?

Mr. MILLER. Well, that "gentlemen's agreement" has been a source of mystery in the first place; in the second place, it has been the instrumentality by which thousands and tens of thousands of Japanese have come into the Pacific coast. I do not know what the gentlemen's agreement is. I have heard the pros and cons, and the "hums and haws" of it; but I do not know what it is, nor have I ever seen anyone who does know.

Mr. Box. May I ask this question of this intelligent witness: What about its effectiveness? I mean what about its legal effectiveness? Can the President of the United States make a treaty with a foreign country that is secret to the Nation and that is never submitted to the Senate?

Mr. MILLER. I do not understand that any such treaty has been made, or could be made.

Mr. Box. Well, if the "gentlemen's agreement" is not a treaty, what is its effect?

Mr. MILLER. I do not understand that the "gentlemen's agreement" or whatever it is, ever rose to the dignity of a treaty.

Mr. BOX. Well, President Roosevelt called it a treaty in his letter to the governor of California.

Mr. MILLER. Probably it was loosely called a treaty; I do not know. But the great hordes of Japanese that have come into the Pacific coast, under whatever ruse, or by whatever means, are a menace to the Pacific coast.

Now, I have no hatred, of course, of Japanese or of Chinese; but I do say it is not for the well-being of the United States, or of the Pacific coast, or anywhere in America, to have the thousands and tens of thousands of Japanese come into our country. They can not become citizens; but their offspring immediately become citizens of the United States.

Mr. WILSON. Mr. Miller, pardon my question; but have you any particular plan mapped out for additional Japanese legislation?

Mr. MILLER. I would exclude the Japanese the same as we exclude the Chinese, on the same principle exactly.

Mr. WILSON. Absolutely exclude them?

Mr. MILLER. Absolutely.

Mr. WATKINS. Would you go as far as excluding all for a while?

Mr. MILLER. Oh, I would except certain classes of them. Educators, ministers, students, tourists, merchants, all classes of diplomatic attachés, and——

Mr. WATKINS (interposing). Yes; but outside of that, would not the suspension of immigration for a few years be a good thing?

Mr. MILLER. Absolutely. There is no possible doubt of it.

Mr. RAKER. Mr. Miller, this bill, H. R. 101, or the bill H. R. 5, if enacted into law, would it not exclude the Japanese fully and completely?

Mr. MILLER. I have not seen the bill H. R. 5 and followed it closely.

Mr. RAKER. Well, H. R. 101 excludes the Japanese?

Mr. MILLER. I do not see the Japanese angle of it. I see that it excludes the Chinese.

Mr. RAKER. No; it is just the reverse. The Chinese legislation is not affected by H. R. 101 at all.

Mr. MILLER. Yes; that is correct.

Mr. RAKER. Now, H. R. 101 and H. R. 5—I will read them both. No. 5 is as follows:

Mr. WATKINS. What page, Judge Raker?

Mr. RAKER. Page 14:

No alien ineligible to citizenship under the laws of the United States shall be admitted to the United States.

Now, if you stopped there, that would exclude all; but the bill goes on and says, unless such alien is "admissible as a nonquota immigrant under the provisions of subdivision (e) or (h) of section 4, or (2) is the wife or unmarried minor child under 16 years of age of an immigrant admissible under such subdivision (e)."

Mr. BOX. You did not read it all; you read only the substance of it.

Mr. RAKER. When the time comes, I want to give the change, and the reason for it.

H. R. 5 contains a little different language from that of H. R. 101; and was drawn under the language and the interpretation placed upon those words by the Supreme Court in its five decisions denying to Japanese and Hindus the right to citizenship, and the other cases from Washington and California, which held that they can not hold real estate and can not have a crop contract or be members of a corporation holding real estate in those States. I have used the language in all of these decisions, so as to make it certain and definite here; and by placing language in the bill that has been interpreted and construed by the Supreme Court, we adopt then the Supreme Court's interpretation of those words.

Mr. MILLER. Well, do you not think that is a splendid way of drawing the phraseology of the bill, Judge Raker?

Mr. RAKER. I do; and that is the reason why I have drawn this in this way, so that there can be no question of interpretation hereafter. We have those opinions of the Supreme Court; and I am going to ask before we get through that they be inserted in the record; and I will make a statement on the floor as to why we use those words, stating that we have an interpretation of the language by the Supreme Court, so that it will require no definition and there ought to be none, because the Supreme Court has interpreted that language.

Now, Mr. Johnson's bill, H. R. 101, page 17, reads as follows:

The CHAIRMAN. Paragraph (b).

Mr. RAKER (reading)—

An immigrant not eligible to citizenship shall not be admitted to the United States unless such immigrant—

and then it gives some exemptions.

Do you see that there is a distinction there? "An immigrant not eligible to citizenship shall not be admitted to the United States." Then H. R. 5 says: "No alien ineligible to citizenship under the laws of the United States shall be admitted to the United States." The Supreme Court has interpreted what "ineligible" means—ineligible to citizenship under our law.

The CHAIRMAN. Well, I can see the difference there; and when we read the bill by paragraphs—

Mr. RAKER (interposing). I just wanted to call Mr. Miller's attention to that. Now, that is the language not only interpreted by the Supreme Court of the United States in those decisions to which I referred, but it is also the language that has been gone over and selected by the best lawyers in the West, and adopted by practically all of the western organizations, with their able attorneys going into the matter, so as to make it effective and in accordance with the Supreme Court decision.

Mr. MILLER. I think, Judge, we will all agree that the most fortunate phraseology would be to follow the phraseology of the courts in their interpretations of these things.

Mr. RAKER. Yes. Such aliens can only be admitted then if he is admissible as a nonquota immigrant under the provisions of subdivision (e) or (h) of section 4.

Now, you turn to section 4. I will read that part of it—

The CHAIRMAN (interposing). Let me make a statement in that connection. Judge Raker was asked by the committee to pay particular attention to the Japanese provisions; and he has reworded

the paragraphs of the bill sent to the floor by this committee in this last Congress. I think he has made improvements. When you come to read his bill, you find that his exemptions run to different section numbers or paragraph numbers than the bill which is the committee bill. Both bills are elaborations of bills worked out by the committee.

Mr. MILLER. That can all be straightend out when you come to consider it by paragraphs.

Mr. RAKER. I just wanted to call attention to the difference between "ineligible to citizenship under the laws of the United States," and "not eligible to citizenship."

Mr. MILLER. Those two expressions are distinguishable, are they?

Mr. RAKER. That is my view of it; and the Supreme Court in all of its decisions on the subject has used the words, "ineligible to citizenship."

Mr. WILSON. Have you any note of the distinction between the two expressions?

Mr. RAKER. They made no distinction; but they used the words all the way through, "ineligible to citizenship."

Mr. MILLER. I should say that the words we should use should be the words that the courts have interpreted.

Mr. RAKER. I wanted to impress that upon the committee, so that we would not use language different from that which has been used and applied by the Supreme Court.

Mr. MILLER. Yes.

The CHAIRMAN. Now, Mr. Miller, I want to ask you if you know of the China Club of Seattle and its aims and purposes?

Mr. MILLER. Yes, sir.

The CHAIRMAN. A letter was sent to me by the China Club dated Seattle, December 19, which I presume should go into the record. I have no doubt that you received similar letters?

Mr. MILLER. I do not recall having received a similar letter. I have received no such letter I am sure.

The CHAIRMAN. Now, let us see just what the China Club's purposes are. The letter says:

CHINA CLUB OF SEATTLE,  
Seattle, Wash., December 19, 1923.

Congressman ALBERT JOHNSON,  
Washington, D. C.

DEAR CONGRESSMAN JOHNSON: At a meeting of the board of trustees of the China Club of Seattle on December 17, the question of immigration laws, particularly with reference to China, was brought up before the club. There are two points in which we are vitally interested:

First. Is there any piece of legislation introduced which has any likelihood of passage that may further restrict in any way Chinese immigration to the United States? Of course, we are primarily concerned with students, merchants, travelers, and diplomats.

Second. You may know that our club was the first in the United States to advocate the industrial student plan, namely, that Chinese students—and, of course, we are not concerned with any Chinese who are not genuinely and legally students—pursuing agricultural, commercial, or industrial studies in our universities, shall devote a part of their time in business activities directly pertaining to their curricula. Of course, you know that the Department of State has explicitly instructed the American consuls in China not to visé any passports of Chinese students who are to receive any part of their university funds by working in any way in American industries or American commercial life. We feel that if a similar restriction were applied to American students in American universities about 70 per cent of our student body would be excluded from receiving an

education. We feel further that the one hope of China is practical education on the part of her young men in the industries of America to the end that they may in turn help to industrialize China according to the methods of the twentieth century. We feel, in other words, and I believe that we are in accord with the best authority of the United States and China, that the one hope of China's future is in education. The leadership of that education and its consequent result, the industrialization of China, we feel must come from the greatest industrial nation in the world—the United States.

The China Club has had this matter under discussion with various departments in Washington, and we received recently from D. C. Snow, manager of the foreign commerce department of the Chamber of Commerce of the United States, the following: "I do not know of anything that will meet the difficulty over passports for students who intend to do part time work in the United States, unless it is that in the next immigration law some clause be contained clearly covering this matter." Is there any hope or likelihood that such a clause might be incorporated in our next immigration law?

I have written you this letter at the direction of our board of trustees at their last session. In their behalf I express to you their thanks for the time and trouble in consideration of the questions herein asked.

Sincerely yours,

J. C. HERBSMAN,  
*Executive Secretary China Club of Seattle.*

Mr. MILLER. I know the gentleman who signed that.

The CHAIRMAN. This would indicate that they have been encouraging students to do part-time work while pursuing their studies; and that they have met with some difficulties in connection with passport restrictions; and they ask if there is such restrictive legislation; and they make the suggestion as coming from Mr. Snow of the Chamber of Commerce of the United States (which is not a governmental organization, but a commercial organization), that the relief they want might come from an amendment to the passport regulations or laws.

Mr. MILLER. That is a softening of the passport regulations as to Chinese students?

The CHAIRMAN. Yes.

Mr. MILLER. I know the atmosphere and the personnel quite well of the China Club of Seattle. It is a very commendable organization, composed of a large number of our very best and leading citizens. The purpose of it is not to break down in anywise the present barrier against Chinese coolie laborers, but to soften somewhat the conditions under which Chinese students come into the United States. Its greatest activity, as I understand it, is to facilitate the admission of travelers, tourists, merchants, and the like. We all agree in our country, where we are familiar with the Chinese and orientals generally, that the great reformation in China, if it ever comes, must come with the modernizing of its institutions, governmental, industrial, financial, and economic, in every way. The entering wedge to that, and the best means of bringing it around, in the judgment of our people, is through education—modern education. Every graduate of our American institutions who returns to China is a living, dominant, permanent, propagandist of the modernizing of China. The modernizing of China means the rehabilitation of her institutions along modern lines; her friendly traffic with the world; and the building up of the nation where there are more people than in any country in the world; and by the American-educated Chinamen returning in large numbers to China, it will hasten that very much desired time. I think that that is beyond dispute.



Mr. RAKER. Well, Mr. Miller, we have recognized that, first, you do not want to change the present Chinese exclusion law?

Mr. MILLER. So far as labor is concerned—or anything else—I do not.

Mr. RAKER. All right; then we agree.

Now, we have even gone further than that. We have set aside a fund of a number of millions of dollars that was due from China to the United States, for the purpose of enabling China to send its students to the United States to receive an education from American colleges. Do you remember how much that fund was?

Mr. MILLER. No, I do not; but it was a good thing.

Mr. RAKER. It was a large sum?

Mr. MILLER. Yes; it was a very substantial sum.

Mr. RAKER. So that we have not only invited them, but we have contributed a large sum for that purpose; and it is a good thing, as you say.

Mr. MILLER. Now, on the question of a Chinese student coming to this country to devote a part of his time to work and labor sufficient to maintain himself as a student—that strikes quite a different angle. It is true that the Americanization of Chinamen must not only be a collegiate education, the modernizing of him, but he wants to get in touch with the home life of the American people. And therefore it is argued that the education and modernizing of a young Chinese student who comes to this country is twofold; first, in his study in the university; and second, in his contact with the American home.

Now, there is some dispute as to the practicability of allowing a Chinese student to come into this country as a student, matriculate in one of our universities, and then support himself on what you might call the basis of a laborer in the home. There is a sharp division of opinion on that.

Mr. RAKER. Mr. Miller, is it not one of the crying objections to what has been done relative to the administration of the Chinese exclusion law that the students have been coming in by the hundreds, and even thousands, and then entering into the ordinary activities of our country and abandoning their student status?

Mr. MILLER. Yes; that has been a living scandal, where young Chinese came to this country under the guise of students, matriculate at some institution, and then just fade away and later turn up as a laborer some distance away.

The CHAIRMAN. Let me call your attention to the way we have tried to cover that. You will notice that the letter that I read has an inquiry as to changes in the passport law, which does not come within the province of this committee?

Mr. MILLER. Yes.

The CHAIRMAN. But in the bill we have before us, on page 6 of H. R. 101, paragraph (g) it is provided that—

An immigrant who is a bona fide student over 18 years of age and who seeks to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university particularly designated by him and approved by the Secretary of Labor shall be among those exempted from the restrictive clauses.

In another place in the bill it is provided that the Secretary may require a bond; and I believe it is provided in the bill that such student must return at the end of his studies, and also that if he

marries while pursuing his studies he shall be deemed to have forfeited his standing as an exempt student.

Now, those provisions are in there to cover the oriental situation. Some objection has been made that it applies generally. It does apply generally. The objection has been to letting students generally come here and secure the benefit of these institutions, and then force them to leave the United States. But the necessity arises from the fact that we do not want to establish additional oriental families here; and hence no provision is made in the bill that the wife may join him. Now, there is the predicament.

Mr. MILLER. I unhesitatingly say that when a Chinese student comes to this country for his education, after he obtains his education he should return to China. Because it is only through that method, of educating him here and having him return to China and give his country the benefit of his enlightenment, that we can attain the result we are after in the modernizing of China.

Mr. RAKER. Well, having done that, we should not allow him to change his status while here?

Mr. MILLER. No.

Mr. RAKER. If he marries he changes his status?

Mr. MILLER. I do not think he should be permitted to change his status.

Mr. RAKER. If he marries he would be changing his status; because there would be brought into the world Chinese-American citizens?

Mr. MILLER. Yes.

Mr. RAKER. So that you think that is a wise provision?

Mr. MILLER. No; I do not.

Mr. BAKER. Now, he should not be allowed to change his status from a student to a laborer?

Mr. WATKINS. Even though a part-time laborer.

Mr. MILLER. That would be my individual judgment, but others differ from me.

Mr. RAKER. If you permitted that, Mr. Miller, would you not be throwing the doors wide open and nullifying what we have done with the Chinese and are now trying to do to the other orientals—prohibiting cheap oriental labor?

Mr. MILLER. I think so. I certainly do.

Mr. RAKER. Now, would not this be an inducement to part-time work, which would come into competition with that of American boys and girls who are seeking an education and have not any other means of getting it except by working?

Mr. MILLER. That is true, Judge Raker. But there is another angle to it. Very often we will see a Chinese student who is very anxious to go into the American home for the education it will give, and the insight into American life, so that he would go into the American home for nothing.

Mr. RAKER. Mr. Miller, let me give you an illustration. While I was at Lake View a month or two ago with two or three friends, a very attractive young lady of about 17 or 18 was waiting on the table. It was noon and about 200 high-school students were there. I said to the young lady when she was waiting on us, "What class are you in; what year in the high school?" Why, it would have made your heart ache to see her; the tears came down her cheeks and she said,

"I am not going to school; I can not get the money to go; I can not get any place to work so that I can go to school."

Now, we have our own American citizens—and there are many of them—that can not get the work to go to school and get an education; and why should we bring in a foreign race that is unassimilable to cut down wages and reduce the chances of those young Americans? Why should we allow them to have the advantage of our schools while right in our own communities wherever you go you find the same conditions of our young people trying to earn their education by working?

Mr. MILLER. That is a very forceful argument and a very practical one. I agree with you.

Mr. RAKER. In the case I cited I and my friends tried to help the young lady to get work; we tried at Lake View and we tried at home; I left a merchant working at it, and when I left he had not yet found a place where this American girl could work so that she could get an education. It makes your heart ache to think of those cases.

Mr. MILLER. It is a serious question with me whether it is good policy to admit Chinese to this country as students who are to work as laborers, either as household laborers or otherwise, in order to partly defray their expenses.

Mr. RAKER. I left Berkeley only three or four weeks ago; and I saw those young people working and studying to try to get through the university; and it is hard to get work in the town because there are so many there looking for it. Those boys and girls want an education and are willing to work for it.

Mr. WATKINS. Do you not think it would be better to provide in the law that they shall not remain here if they do not go to school?

Mr. MILLER. I think we should limit it to bona fide students.

Mr. WATKINS. As a matter of fact, this coming of Chinese students has been a subterfuge; do you not think so?

Mr. MILLER. Well, for instance, there are industrial classes, where a young Chinaman will come in and learn some mechanical trade or occupation at a branch of the State university; he can learn the trade of a machinist or a mechanic there; that is a part of the education; a great deal of it is along the lines of what you might call a certain line of apprenticeship to a trade. Now, there you are touching dynamite; because an American machine shop filled up with young Chinamen learning the machinist's trade, the molder's trade, the carpenter's trade, and every other trade in the world will inject into our American industrial life a very disturbing condition of affairs, in my judgment.

Mr. CABLE. Mr. Miller, how do you account for the fact that more Japanese are leaving the United States than are coming in?

Mr. MILLER. There are not more leaving my country than are coming in.

Mr. CABLE. I am talking about the whole United States.

Mr. MILLER. I do not know about that. I simply speak of my locality. Let me illustrate: In my city of Seattle there are three newspapers in the Japanese language; there are about 200 retail groceries and other retail stores in the city conducted by Japanese.

Mr. BOX. Their number is increasing then. When the committee was there you had less than 200 of that particular class. I remember the testimony.

Mr. MILLER. There are three large Japanese banks. They have acquired some of our leading hotels.

Mr. RAKER. Forty-seven per cent of them, I think the testimony showed while we were in Seattle, Mr. Miller.

Mr. MILLER. Yes.

Mr. CABLE. In 1922, 7,651 Japanese came into this country and 9,127 left; and in the last fiscal year 8,055 came in and 8,393 left. And as to the Chinese, the record shows that the gain for the last fiscal year is less than a thousand.

Mr. WATKINS. Do those records show the return of the men who left?

Mr. CABLE. The report contains the number coming in, both alien and nonalien.

Mr. WATKINS. But the fellow who went out is not reported as coming back, is he?

Mr. RAKER. Before you answer that question may I call attention to the fact that there are no statistics covering the cases of about 15,000 Japanese who have left the Hawaiian Islands alone; they are counted in those statistics as returning to Japan; they go back there to get a Japanese education, and they return to the Hawaiian Islands as American citizens, and they are not included in those statistics at all when they return. And it is the same with continental United States; they are counted as Japanese when they leave this country, and they are going to Japan to get a Japanese education and render Japanese military service and do all things that go to make up a Jap; but they are still citizens of this country, and are not classed as Japs at all when they return to this country.

Mr. CABLE. Well, the record here shows that 3,456 went to Hawaii and 3,974 left Hawaii in 1922.

Mr. RAKER. I do not think the statistics are complete, Mr. Cable. I got those figures when I was in Hawaii; they will see the Japanese coming in; and those going out; but there is no record kept to show whether they are American citizens or are legally Japanese when they leave; they simply class them all as so many Japs returning to Japan. But when they come back to this country, they come back as American citizens, which they are entitled to do.

Mr. MILLER. They are not classified as Japanese?

Mr. RAKER. No; and therefore they are not included in those statistics. So that the records will show that there are about 15,000 Japanese American-born citizens getting a Japanese education in Japan to-day.

Mr. WATKINS. And the figures do not take into account the number of Japanese born here—and they are rather a prolific people.

Mr. MILLER. The birth rate among the Japanese in my country is enormous.

Mr. RAKER. Does Mr. Taylor belong to that China Club?

Mr. MILLER. Robert Taylor?

Mr. RAKER. Yes.

Mr. MILLER. I do not know positively, Judge Raker. I know Mr. Taylor.

Mr. RAKER. He is a very fine gentleman.

Mr. WILSON. Is it the Japanese who own the hotels or the Chinese?

Mr. MILLER. Japanese.

Mr. WATKINS. You do not have any more English newspapers printed in Seattle than you do Japanese, do you?

Mr. MILLER. Yes; we have more. Many more.

Mr. WATKINS. You have more?

Mr. MILLER. Yes. I said three Japanese newspapers.

Mr. WATKINS. How many daily newspapers in English?

Mr. MILLER. Four, at least.

The CHAIRMAN. Do you not have an Italian or Greek newspaper?

Mr. MILLER. Yes.

Mr. WATKINS. But I was talking about English newspapers.

Mr. MILLER. Yes; there are Greek newspapers and Italian newspapers.

Now, there is a sociological aspect of this thing, gentlemen: A Chinaman coming to this country remains a Chinaman. Oriental blood is old blood; the last blood in the world to change, and the hardest to change. You can change the blood of a nation which is a new blood and modernize it much more readily and easily; it responds more quickly than the blood of the old nations.

Mr. WATKINS. Is that not true of every race except the Nordic?

Mr. MILLER. Yes, sir; you can modernize and Americanize the citizens of northern Europe; they are new blood in the world. But the blood of the Orient is the oldest blood, the hardest to change, the most unyielding to the ideas of modernization. They cling to the customs of their blood. A Chinaman carries that out in his life. He marries a Chinese woman; none other. Not one out of a thousand marries a white woman.

On the contrary, a Japanese frequently wants to marry a white woman. There are innumerable pathetic cases of such marriages in our country. Some of those marriages are fairly successful—I am guessing at this—but the ninety and nine are failures.

Mr. RAKER. Mr. Miller, we sought to get that information, and we were able to find one.

Mr. MILLER. One what?

Mr. RAKER. One case where a white woman had married a Japanese; she married in San Francisco and then went to Seattle to live; and she died with a broken heart.

Mr. MILLER. That was the daughter of an Episcopal bishop in California, was it not?

The CHAIRMAN. The Emory case?

Mr. MILLER. Was it not the daughter of an Episcopal bishop?

Mr. RAKER. Yes; this is the same case.

Mr. MILLER. That was a very sad thing for that family.

Mr. RAKER. Yes.

Mr. MILLER. She is buried, I believe, out in some lonesome, neglected graveyard near Seattle, dying with a broken heart. She was a superior woman. Well, those marriages are disastrous.

Mr. RAKER. Yes; that would be the usual result.

Mr. MILLER. It is the common experience of humanity that cross marriages are failures; it seems to be due to a power above the power of man that governs that. But a half-caste is a failure in most cases; there are some exceptions. The half-caste Indian is a failure; the half-caste black man is very likely to be a failure; but the half-caste oriental is worse. He seems in the majority of cases to inherit the vices of both races and the virtues of neither. It makes, as a general rule, a bad product.

And then there is this angle to it, that I believe scientists agree that the white blood is the weakest blood in the world and the most easily tainted; and the half-caste as a general rule partakes more of the other race in his temperament and in his mental and physical make-up than he does of the white race. The half-caste Indian is more of an Indian than he is a white man; the half-caste negro is more of a negro than he is a white man; and the half-caste oriental is more of an oriental than he is a white man.

Mr. RAKER. Would you apply that same principle to the Philipinos?

Mr. MILLER. Well, the Filipino is not a man of pure blood, as I understand the genealogy of the Philipinos.

Mr. RAKER. Well, I understand 80 per cent are Malay; less than 2½ per cent of all the Phillipine people are of the Spanish blood. Now, I want to get your views, if you have had any experience or observation relative to the Philipinos?

Mr. MILLER. No; I have not; I do not know anything about them.

Mr. RAKER. All right.

Mr. MILLER. But as to these hybrid races generally, this hybrid born in this country is a citizen of this country just as much as you and I. And it makes a bad mix-up. I believe the perpetuity of nations rests upon the purity of the blood of their people; that is the experience of history. The perpetuity of the institutions of a country depends upon the passing from one generation to another of the full blood; that is the way great institutions are perpetuated. When we inject into that nation a stream of half-caste, impure blood, we get in there an element that is directly at variance, so far as the perpetuity of its institutions is concerned, with the common experience of mankind. And I believe it is a bad thing, generally speaking.

Now, the Japanese have a liking for that mixture. They frequently want to and do marry our white women. Chinamen do not. That fact as to the Japanese injects a condition that increases our antipathy to him; and that, combined with the economic and industrial troubles that follow the Japanese coming into our country, make a bad state of affairs as to those orientals; and with the other elements coming in, when you get a composite of the whole thing, it makes a very bad condition for the American Nation and the American people.

Now, the best way to minimize that thing, it occurs to me, is to provide against it in the law. And I am very glad to see these provisions affecting orientals in these bills.

The Japanese in industrial life—he is an industrious fellow. He has no hesitancy at all about violating many of our laws. The list of Japanese arrested in my country for violation of prohibition laws, the sale of liquor and handling of liquor, would be a large one; it would be 10 to 1, as compared with the Chinaman; you do not catch a Chinaman moonshining; but you do the Japanese.

Mr. CABLE. How do the Japanese compare with the Americans violating that law?

Mr. MILLER. I suppose the American beats him.

Mr. CABLE. But I mean proportionately according to population?

Mr. MILLER. I suppose the American beats him. The American can beat anybody at anything when he starts out.

Mr. WATKINS. Do you not find in Seattle that about 80 per cent of the whole number of violators of the prohibition and antinarcotic laws are aliens?

Mr. MILLER. I do not know, but I should say not. I would say, however, that the Chinaman, the renegade, criminal Chinaman, is more disposed to traffic in narcotics than anything else.

Mr. WILSON. Is it not characteristic of the Jap that he is always designing, and that his final, ultimate purpose is to be Japanese, without regard to the effect in any locality in which he may be?

Mr. MILLER. That is, that he remains a Japanese?

Mr. WILSON. Yes; and not only remains a Japanese, but he pre-meditatively designs to do and does things always which are for the good of Japan?

Mr. MILLER. Well, that is a predominant vice of the Japs. Now, we have public schools in my section; and let us take a country school with, say, 25, 30, or 40 children attending that school; there will probably be, out of 35 children in the school, 30 who are the children of Japanese. The white men's children are thrown into that atmosphere when they patronize the public schools. We have a very strict compulsory education law in our State requiring attendance of these children at school; and if you or I live in one of those districts we must, of course, send our children to a school at which the preponderance of the pupils are Japanese. That makes a bad condition of affairs, and one that ought to be prevented.

Mr. WILSON. Right on that point, can you say anything as to the relative standing or grade of the Jap as compared with the Americans in the schools?

Mr. MILLER. They are very bright; they are bright mentally. The Japanese students at our State university, in our high schools, and in our public schools are as a general rule bright students mentally.

Mr. WILSON. Well, can you say whether or not they surpass the American children?

Mr. MILLER. I could not say for a certainty, but I think not. I have in mind no honor students in our State university who have been Japanese. I think there was a Chinaman who was an honor student at our State university, winning honors, particularly in mathematics.

Mr. WILSON. But they would average up to the grade of the American pupils?

Mr. MILLER. Yes, sir; as a general thing.

Mr. VINSON. Age for age, they would run about the same?

Mr. MILLER. Yes; I think so. I have made no particular study of that; but I have observed quite a number of them in our public schools. They are fairly bright.

Mr. WILSON. Have you had an opportunity to learn whether the American child resents this intermixture of the races?

Mr. MILLER. I have never talked with the children, but I know the parents do.

Mr. WILSON. The mothers and fathers resent it?

Mr. MILLER. Yes; they resent it, and resent it hard.

Mr. WILSON. But they are helpless in the face of the existing conditions?

Mr. MILLER. They can not help it. You take a Japanese child 6 or 8 years old; it is subject to the compulsory education law just the

same as the child of the American; and they both have to attend the schools.

Mr. WATKINS. Have they any Japanese language schools in Seattle?

Mr. MILLER. I think there are private schools. I do not know of Chinese or Japanese being taught in the public schools.

Mr. WATKINS. No; I mean private Japanese language schools?

Mr. MILLER. Yes; there are private schools there.

Mr. WILSON. I want to ask you one more question about the hotels and banks in your city that are owned and controlled by Japanese. Are they a part of the business community, in the same way as banks controlled by Americans?

Mr. MILLER. Yes, sir.

Mr. WATKINS. With patrons of all races and all classes?

Mr. MILLER. Yes. Some of those Japanese banks have American officers and directors; a minority of the board of directors, and sometimes a majority, as the law requires, are Americans.

Mr. WATKINS. How about the hotels?

Mr. MILLER. Most of the hotels have a minority of the stockholders, and sometimes a majority, who are Americans; the rest of the stockholders are Japanese. But when you go into the hotel you see no evidence of the Japanese ownership. The manager is American and the clerks and help are American.

Mr. WILSON. What is the position of the people who are connected in a business way with these banks and hotels and other institutions relative to Japanese exclusion? Do you have a difference of opinion there?

Mr. MILLER. Yes. There are some of our best citizens who believe in the utmost freedom of trade exchange, and of business association and of commercialization in general, and that liberal immigration restrictions, or none at all, will help in this direction.

Mr. WILSON. Do you have the same claim made out there, that we ought to let the Japanese in to do things that the American will not do?

Mr. MILLER. Yes; there is that angle to it, too. There is a sharp conflict of opinion in our community on the subject, but the preponderance is 3 to 1 or larger against any such idea. We used to have large numbers of foreign—principally Italian—truck gardeners furnishing the people of the city with their green vegetables; there were some Americans. Now, the Japanese are the principal producers; and by far the major portion of our truck gardening in and about Seattle is now conducted by Japanese. The Japanese women in a great many cases work in the field alongside of the men; and the Japanese woman will work in the field when she is approaching maternity.

Mr. BOX. How soon does she go to work after her child is born?

Mr. MILLER. Within a few weeks after motherhood she takes her place in the field as a laborer alongside of her husband. Americans do not do that; that is not our way of doing. The Italians do not do that; it is not their way of doing. Consequently, the joint earnings of Japanese husband and wife, so far as the truck gardening is concerned, are such that they can drive an American or an Italian out of the truck-gardening business. And that is one of the means by which this business absorption has taken place of which I speak.



The CHAIRMAN. And it has resulted in the driving out of the American and the Italian from the truck-gardening business?

Mr. MILLER. Yes, sir; practically, if not entirely.

Mr. WATKINS. In other words, the Italian drives the American out and the Jap drives the Italian out; that is the way it works?

Mr. MILLER. Well, the irresistible law of competition is always present. But it is unquestionable as an economic principle that the Japanese truck gardener will drive out anybody who comes in competition with him.

Mr. WATKINS. And then those people must naturally drift somewhere else to earn a living?

Mr. MILLER. The children of those Japs, from the time they are old enough to totter, are taken to the fields to pull the weeds from around the growing vegetables; you will see the man weeding over here, and the woman weeding over there, and the little folks 4 or 5 or 6 years old weeding around them. And sometimes the woman doing that is approaching motherhood. Now, that is a bad state of affairs.

Mr. CABLE. Mr. Miller, I wonder whether these native-born Japs or Chinese vote?

Mr. MILLER. Yes, the native-born Chinese and Japanese vote just as soon as they are of legal age. I don't happen to know of any native-born Japanese voters, but I do know several Chinese.

Mr. CABLE. Do they have an organization? Do they vote in blocs?

Mr. MILLER. Well, I have heard of no Chinese or Japanese political clubs or organizations.

Mr. CABLE. In other words, do they have enough voting strength to hold the balance of power in any city or district?

Mr. MILLER. No. But when Japs are born at the rate of 10 or 15 a week the year around as a steady diet—they are very prolific—you can see that in the years to come it will be an important question.

In this connection and bearing upon the Japanese birth rate, I hold in my hand a copy of the Seattle Daily Times of the date of December 25, 1923, the latest copy of that newspaper that I have—it was received this morning—and under the head of "Daily statistics—births" it gives the births registered in the office of the commissioner of health of Seattle for that day. We have a very efficient vital statistics department.

I want to especially invite your attention to this daily report. In it you will observe that out of 18 registered births for that day 10 are of Japanese parentage—10 Japanese children every one an American citizen and entitled to all the rights thereof.

I ask that this list be included in my statement:

#### DAILY STATISTICS—BIRTHS.

Mr. and Mrs. A. L. Hoyt, 1621 Fourth Avenue west, December 20, boy.

Mr. and Mrs. J. D. Hamilton, 801 Madison Street, December 18, girl.

Mr. and Mrs. Yoshio Shiosaka, 1715 East Spruce Street, December 4, boy.

Mr. and Mrs. Saburo Hayashizaki, 1201 Main Street, December 8, girl.

Mr. and Mrs. Koichi Higuchi, 1222 Weller Street, December 8, girl.

Mr. and Mrs. Seizo Itio, 217 Occidental Avenue, December 12, girl.  
 Mr. and Mrs. Sasuke Aoki, 1116 Washington Street, December 13, twin boys.  
 Mr. and Mrs. Masataro Sakaguchi, 667 Weller Street, December 14, girl.  
 Mr. and Mrs. R. C. Johnson, Preston, December 20, girl.  
 Mr. and Mrs. Swan Penn, 8439 Thirty-second Avenue SW., December 19, girl.  
 Mr. and Mrs. Shigeo Fukuhara, 218 Fifth Avenue south, December 13, girl.  
 Mr. and Mrs. D. J. Healy, 515 Tenth Avenue, December 17, boy.  
 Mr. and Mrs. Miyakishi Kumamoto, 215½ Seventh Avenue south, December 9, boy.  
 Mr. and Mrs. Ichitoku Sunada, 410 Eighth Avenue south, December 16, girl.  
 Mr. and Mrs. Takakiyo Ogawa, 235 Seventh Avenue north, December 11, girl.  
 Mr. and Mrs. Edward Bobeau, 1515 Boren Avenue, December 21, girl.  
 Mr. and Mrs. Arnold Morgan, 3842 Twenty-second Avenue SW., December 22, girl.

Mr. and Mrs. F. G. Pettit, 5241 Fifteenth Avenue NE., December 20, boy.

In 1920 the Federal census gave Seattle a population of 315,312, including Japanese, Chinese, and everybody else. The estimated population now is 349,525. I do not know the exact number of Japanese, but there are very many.

Mr. CABLE. They will hold the balance of power?

Mr. MILLER. I do not know that they will.

Mr. CABLE. In a close district?

Mr. MILLER. I do not know. But it is susceptible of bringing about that state of affairs of which you speak. I do not know what the result will be; it is speculative. But I can see very readily the enormous number of Japs that their large birth rate will produce.

Mr. Chairman, I am practically through. I want to say, however, that we have some very high-caste and high-class Japanese in Seattle, connected with the diplomatic service; with large shipping institutions, etc.—keen, clever, well-trained Japanese, highly educated, and foemen worthy of the steel of anybody. We have large Japanese steamship lines coming into Seattle, with almost daily sailings between our city and the Orient; we have large importing firms; we have commercial relations that we are desirous of continuing and encouraging.

Those, however, are quite distinct from the Japanese immigration question. It occurs to me that the friendliest relations ought to be cultivated between our country and the Orient, from the commercial angles. They need our produce; we need their trade.

The best way, it occurs to me, to maintain that friendliness is to maintain it not only from the commercial angle, but from the personal-touch angle. And it can not be continued from the personal-touch angle when, indiscriminately, people of Japan come to our country and live unwelcomed in our midst; it raises friction, and that friction spreads. Friction between races has no element of charity in it, and it even fails to respond to common sense. Explosions take place when the people become restless owing to the large number of orientals in the community; that is perfectly natural, because the American will express himself, and he has a right to in his own country; and sometimes that expression takes an unfortunate turn. Such was the explosion in the school system in San Francisco several years ago. You remember it, Judge Raker?

Mr. RAKER. Yes; I remember it quite well; and I remember what the Federal Government did about it, too.

Mr. WATKINS. What they did or did not do?

Mr. RAKER. What they did do then, and what they have not done since.

Mr. MILLER. But often you will see this condition of affairs: A young Jap educated in Japan; probably 20 or 21 years of age. An oriental mind develops earlier than the mind of anybody else. At the age of 21 or 22 the young oriental is a graduate of the institutions of his own country. He then comes to the United States, the Japanese, and enters our ward schools to learn the American language. You thus have the spectacle of an oriental youth—an oriental man, rather, 20 or 21 or 22 years of age and sometimes older—sitting side by side with a little American child 6 or 7 years of age. You have that condition in our public schools. A fully developed oriental thrown into intimate school association with 6 and 7 year old American children.

Now, that is not a satisfactory condition of affairs. Nevertheless that is the condition in our country. And that condition, in connection with the others to which I have referred, has brought about a state of affairs out in our country that is rapidly growing worse and will continue to grow worse until it results in an unpleasant international complication of some character.

We want to continue these friendly relations along commercial lines—everybody agrees to that—but in order to continue them, for our own good as well as for their good, these many bones of contention that are constantly arising must be done away with. And the greatest, and I believe the most potent, instrumentality that can possibly be put into effect to reach that end, is a most stringent immigration law.

Consequently—and let me again emphasize it—the greatest and I believe the most potent factor and instrumentality that can possibly be used to continue these friendly relations is through our immigration laws. Each nation will know where it stands and each will have more respect for the laws of the other.

Mr. CABLE. You spoke of friendly relationship with Japan. In what way is our present agreement with them not effective to keep out any laborers?

Mr. MILLER. I am frank to say I do not know what the present agreement is. I have heard all kinds of definitions of the present procedure, "gentlemen's agreements," or what not, and all this mysterious sort of thing, that in some way or other the common people have not got the gist of the thing to know what it is. At all events, it does not keep them out.

Mr. CABLE. Do you understand that under that agreement no Japanese laborer can come to this country?

Mr. MILLER. I do not know what the agreement is, but I know they do come.

Mr. CABLE. Laborers come?

Mr. MILLER. Yes, sir.

Mr. CABLE. In what guise?

Mr. MILLER. I do not know what guise. I know they come; I know they are there. All anyone has to do to satisfy himself is to look at them.

Mr. BOX. Are they increasing or diminishing in number?

Mr. MILLER. Increasing.

Mr. RAKER. In May and June I saw shiploads of them come into Hawaii. So as to the fact that they are not coming we know they are coming right along. I saw in the neighborhood of 60 Japanese,

unmarried women, landed at the port of Honolulu to meet somebody they had never seen and become their wives; to reproduce or produce American citizens.

Mr. MILLER. Yes, they have what they call picture brides.

Mr. RAKER. We stopped that in the continental United States, but they are still coming into Hawaii.

Mr. MILLER. It is not carried on so much now. A Japanese in the United States would send to Japan for a wife to be supplied through some agency in Japan. That woman would come over here, and she would have nothing but a picture. They would get married, not according to our customs. Our courts have held that the relation of husband and wife does not arise out of this picture-bride arrangement; that in order to make a legal relationship of husband and wife the marriage ceremony must be performed by a person who is authorized to perform it—be authorized to be married—that is, have a legal license.

Mr. RAKER. Still, Mr. Miller, while our courts have held, our Federal and State courts have thus held up to the present time, we have not had the courage nor the stamina to enforce our own laws and exclude these picture brides from this country. Is that true?

Mr. MILLER. Yes; that is a fact. We are not likely to be bothered with as much of that as we used to be.

Mr. RAKER. It is not a legal proposition; it is a fact that exists. When these girls come in, they are landed, and then they are not rejected because they are inadmissible, but they say they are picture brides, and they hunt up a Japanese and bring him down there and marry them on the spot, and then they admit them. We have lots of laws but not the stamina to enforce them.

Mr. WATKINS. We do not give immigration officials enough money to enforce the laws.

Mr. RAKER. On the money proposition they ought to resign.

Mr. VINCENT. Our educational qualifications are such that a grown man like that is permitted to come into this country and go into the first and second grades of our schools and get an American education. Is that in the immigration law?

The CHAIRMAN. The Japanese Government, by a gentlemen's agreement, agrees to issue its passports to persons which it assumes are acceptable. It denies passports to coolies, but until a few years ago a Japanese would come here and stay at the Y. M. C. A. a few months but thereafter became laborers and kitchen boys, or would proceed to study the English language in the primary schools.

Mr. VINCENT. So that is as broad an interpretation as anything else, and a person can come in the American schools as a student and go into the lowest grades of our primary schools.

The CHAIRMAN. That is the interpretation of the law in other countries also.

Mr. VINCENT. I understand that.

Mr. CABLE. It depends on their good faith.

Mr. RAKER. In other words, the fact remains and stares us in the face that we pass laws in regard to every country on earth save and except Japan, and we have no legislation relative to immigration from Japan. That is the status.

Mr. VINCENT. I so understand.

The CHAIRMAN. We are attempting to fix that situation in this bill.

Mr. MILLER. I will conclude by saying that it is my judgment that a continuation of our most friendly relations with Japan is not only desirable but necessary, but we should courteously and firmly assert in our laws that element of real national independence which is inseparable from independent nations and say who shall come to this country and under what conditions they shall come, and to define them firmly, courteously, and manfully. We, of course, want to maintain the most friendly relations with Japan, as I have said. I believe that that would be fostered and preserved by eliminating in this country the friction that is becoming inevitable, and that will be inevitable in greater degree in the future in this country, as these conditions continue.

Mr. RAKER. And you have the same attitude toward Great Britain—that we should maintain a friendly relation with Great Britain?

Mr. MILLER. Yes.

Mr. RAKER. That we should firmly and manfully and in an open-handed way state to Great Britain that we will have no subjects from India coming to the United States, and we have had no trouble with them.

Mr. MILLER. Yes, we have had that with every nation in the world except the Japanese.

Mr. RAKER. And no trouble there except propaganda.

Mr. MILLER. No; no trouble except small talk.

Mr. WILSON. I understand from your statement that a gentleman's agreement exists in the minds of the people of this country; that is, some mysterious document that nobody has ever been able to see.

Mr. MILLER. That seems to be the impression in the common mind.

Mr. WILSON. That seems to be true everywhere.

Mr. VINCENT. That seems to be the fact.

The CHAIRMAN. Have any members of the committee ever been able to get a copy of the agreement or correspondence?

Mr. MILLER. That is an elusive and elastic thing—the gentlemen's agreement.

Mr. WILSON. A situation like that is not fair to our people. We ought to know in some definite way, as expressed in some of these bills, just exactly what the status of this situation is.

Mr. MILLER. Certainly.

Mr. WILSON. And we should say it politely, and quit talking about this gentlemen's agreement which does not exist except as a deduction from diplomatic correspondence.

Mr. MILLER. We ought to know it. We know everything else about a Jap except how he is permitted to come here.

Mr. WILSON. You can get discussions of the matter before Congress, and Members have had the idea that it is something drawn up by Colonel Roosevelt and filed away.

Mr. MILLER. It is an elusive and mysterious document, and I have never seen it or a copy of it, nor do I know of anyone who has.

The CHAIRMAN. You are in favor of the percentage in this bill?

Mr. MILLER. I am, certainly.

The CHAIRMAN. By which we undertake to make effective in the laws some parts of the gentleman's agreement.

Mr. MILLER. Whatever that gentleman's agreement may be, if it tends toward the exclusion of orientals, let us have it.

Mr. WATKINS. In view of that, would you believe in revising the China Club of Seattle bill wherein they advocate that Chinese students pursuing agricultural, commercial, or industrial studies should be admitted.

Mr. MILLER. I can not agree to that.

Mr. WATKINS. You would not agree with that.

Mr. MILLER. No. There are too many poor American boys and girls trying to work their way through school.

Mr. WATKINS. You think it is a bad plan.

Mr. MILLER. There are angles, sentimental and otherwise, for that course of procedure, but I can't see it that way.

Mr. RAKER. You made an answer to one before—I do not know whether you intended it that way—that nobody knows what the gentleman's agreement is, as I understood from you?

Mr. MILLER. At least I do not. Somebody may, but I do not.

Mr. RAKER. You said you had formulated a law so as to meet up with the gentleman's agreement. Would you not formulate it, as you stated before, positively, courteously and firmly, and form it so that it would be to the interest of the United States more than to any sovereign government to control this immigration?

Mr. MILLER. I surely should. If I made any sort of an answer as to the gentleman's agreement at variance with that I did not mean to.

Mr. RAKER. I thought you didn't.

Mr. MILLER. I do not know what this gentleman's agreement is. I thank you, gentlemen.

The CHAIRMAN. Are there any further witnesses here this morning? When did you plan to have your organization here?

Mr. CALLBREATH. I am trying to get our committee together in New York now for a conference on the subject to decide what their course will be.

The CHAIRMAN. Your organization is what?

Mr. CALLBREATH. The American Mining Congress.

The CHAIRMAN. If there are no other witnesses the committee will adjourn.

Mr. VINCENT. When I got to my office this morning I found a gentleman there who desired to be heard before the committee. He is from Michigan. I think it would only take a very brief time for him to be heard.

The CHAIRMAN. Where is he now?

Mr. VINCENT. He will return to my office at one o'clock.

The CHAIRMAN. Will he be here tomorrow morning?

Mr. VINCENT. This afternoon or tomorrow morning.

Mr. RAKER. How long would it take him?

Mr. VINCENT. Twenty minutes or half an hour.

The CHAIRMAN. We will hear him at 2 o'clock this afternoon.

(Thereupon, at 12.10 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

#### AFTER RECESS.

The committee reconvened, pursuant to recess, at 2 o'clock p. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. Mr. Vincent, will you get the gentleman's name?

**STATEMENT OF MR. F. J. KLUMP, HEAD OF LABOR DEPARTMENT, MICHIGAN SUGAR CO., SAGINAW, MICH.**

Mr. VINCENT. Your name is F. J. Klump?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. Your present residence is Saginaw, Mich.?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. What is your occupation?

Mr. KLUMP. I am the manager of the labor department of the Michigan Sugar Co.

Mr. VINCENT. The Michigan Sugar Co. is a company that is engaged in the production of sugar from beets?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. How large an area does it operate in?

Mr. KLUMP. About 100 miles square.

Mr. VINCENT. In the central part of the Lower Peninsula of Michigan?

Mr. KLUMP. Yes; the eastern part and central part.

Mr. VINCENT. You have charge of the securing of labor to place on the farms where the beets are grown by the farmer for the factory. That is your work?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. You have a statement you desire to make to the committee with respect to the beet-sugar labor on the farms in Michigan, have you not?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. I would like to have you proceed first and develop just how the labor is handled by you and explain your contracts with the farmers for the beets, so that the committee will understand the procedure there.

Mr. KLUMP. The sugar company brings these people into the section where we grow these beets for the benefit of the beet growers. The contract is made with the beet grower, that is, the laborer makes a contract, or the farmer that grows the beets makes a contract with this laborer.

Mr. VINCENT. First, he makes the contract with the company, does he not, for the beets themselves?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. And the company is to pay him on the amount of tonnage and the sugar content of the beets. Is that right?

Mr. KLUMP. Simply on the tonnage basis.

Mr. VINCENT. How is the labor handled that the farmer uses on the farm. You obtain that labor for the farmer?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. Who pays for the labor?

Mr. KLUMP. The farmer.

Mr. VINCENT. Your interest in it then is to secure for the farmer the labor arrangements to produce the beets for the company?

Mr. KLUMP. That is it.

Mr. VINCENT. Proceed and tell the committee your troubles with respect to that?

Mr. KLUMP. Our beet growers employ about 6,000 workers during the season. Before the war period we were able to secure sufficient people to do this work. These people came from different

European countries; such as Germany, Austria, Belgium, Hungary, etc. They were people who had worked in the sugar beet fields in the old country, but since the war we have not been able to secure a sufficient number of this class of labor, and hence, have depended almost entirely on Mexican labor. We find this a very expensive and unsatisfactory condition. Mexicans are a very nice people, very nice to get along with, but they are not adapted for the northern climate. They do not fit into the northern conditions. The people that we formerly had usually worked beets from 5 to 10 years and then purchased the farm, and we have a great many of that class of people in Michigan to-day. They have become industrious farmers. The Mexican is not constituted to take up farming in the North. They simply come and go. We feel that we ought to have recourse to European farm help, especially those coming from Germany and Belgium.

Mr. CABLE. There is no law to keep additional Germans from coming in at the present time?

Mr. KLUMP. No, but we are not getting them.

Mr. CABLE. That is not the fault of the law, is it?

Mr. KLUMP. We are not getting the class of people that somehow fit into the farm communities. They are going to the cities.

Mr. CABLE. Under our quota law the nationals of Germany never filled their quota.

Mr. KLUMP. Very true.

Mr. CABLE. Therefore, so far as the present immigration law is concerned, as applied to Germany, you have no objection to that, have you?

Mr. KLUMP. No, sir. The only difficulty is that up to the present time we have not been getting that class of people and what we would like is to be able to fill our needs whenever we have those needs in bringing in experienced agricultural people.

Mr. CABLE. This business is temporary; that is, for only part of the year, is it not?

Mr. KLUMP. Yes, sir.

Mr. CABLE. When they come to Michigan, Ohio, and Indiana to work on these beet farms they live in little houses on the farms?

Mr. KLUMP. Yes, sir.

Mr. CABLE. The working conditions and surroundings are not the best?

Mr. KLUMP. They are very good.

Mr. CABLE. They do not have much sanitation? They do not have anything there except a small house on wheels, as a general rule, that they take from farm to farm.

Mr. KLUMP. No, we have very good houses. We have some houses on wheels that we generally use for stag labor.

Mr. CABLE. Then when the beet season is over what becomes of these people?

Mr. KLUMP. Some of these people stay in the localities where they have work for the farmers; others move to the cities for the winter.

Mr. CABLE. It is not what you would call regular employment?

Mr. KLUMP. Yes, as far as the work is concerned.

Mr. CABLE. It only runs part of the year?

Mr. KLUMP. Yes.

Mr. CABLE. About how many months?

Mr. KLUMP. Six.



Mr. CABLE. A farmer pays these people so much an acre for taking care of the crop?

Mr. KLUMP. Yes, sir.

Mr. CABLE. Are they paid every month or at the end of the year?

Mr. KLUMP. They are paid three times during the season.

Mr. VINCENT. When are these three periods?

Mr. KLUMP. They are paid when the blocking and thinning is completed. They are again paid when the hoeing is completed, and the last payments are made after the harvesting.

Mr. VINCENT. The farmer has to pay more than the factory men in the city for these people?

Mr. KLUMP. The difficulty is that the farmers can not compete with factory wages.

Mr. VINCENT. It is not the law so much as it is competition.

Mr. KLUMP. Yes.

Mr. VINCENT. In other words, a man who can get a job for 12 months in the year will work for less than he will where he is going to be paid for 9 months and does not know where he will get work for the other 3 months?

Mr. KLUMP. That is not the case at the present time.

Mr. VINCENT. Do you mean there is not unemployment in the cities?

Mr. KLUMP. A man can find employment now most anywhere. Many of these people settle down in Saginaw, Bay City, Flint, and other large industrial centers and work in the automobile factories during the winter season. Some leave their families in their farm homes and the men folks go to the cities for work.

Mr. CABLE. Then they go back on the farm in the spring.

Mr. KLUMP. Yes, sir.

Mr. CABLE. Would higher wages make any difference in attracting Germans or Belgians?

Mr. KLUMP. I do not think so at the present time; not to any great extent.

Mr. CABLE. What do these people get a day on an average?

Mr. KLUMP. Well, I do not know; I can not very well figure that out. It depends on how much time a worker puts in each day during the season.

Mr. CABLE. This work is contracted out per acre?

Mr. KLUMP. Yes, sir.

Mr. CABLE. With some particular person, such as the head of the family, or how?

Mr. KLUMP. The contract is made by the head of the family.

Mr. CABLE. Then does the head of the family employ others or is there generally about one family on a farm?

Mr. KLUMP. One family; yes, sir.

Mr. CABLE. How many hours a day do they put in on that?

Mr. KLUMP. There are no stipulated hours.

Mr. CABLE. It is hard work, is it not?

Mr. KLUMP. No; not so very hard.

Mr. CABLE. Blocking out the beets, etc., do they not put in a good many hours per day?

Mr. KLUMP. During the rush season they put in quite long hours.

Mr. CABLE. Sunup to sundown.

Mr. KLUMP. But there are periods when the work is slack.

Mr. VINCENT. The number of hours per day they put in is entirely governed by themselves?

Mr. KLUMP. Yes, sir.

Mr. VINCENT. They are paid so much an acre, and if they take care of a larger acreage they simply get that much more money.

Mr. KLUMP. Yes, sir.

The CHAIRMAN. You said here at the beginning, if I understood you correctly, that you made contracts to get this labor. Did you say that?

Mr. KLUMP. The farmer makes the contract with the laborer.

The CHAIRMAN. You are engaged as a representative of the sugar company in endeavoring to procure labor for the farmers?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Do you make any contracts?

Mr. KLUMP. No, sir.

The CHAIRMAN. When you bring in Mexicans, how do you go about it?

Mr. KLUMP. The contract which they make with the farmer stipulates a certain number of acres.

The CHAIRMAN. Where do you go to get them?

Mr. KLUMP. We get them in Texas.

The CHAIRMAN. Who do you deal with?

Mr. KLUMP. We deal with labor agencies.

The CHAIRMAN. Do you make a contract with the labor agency?

Mr. KLUMP. We have an agreement with them to furnish us with farm labor.

The CHAIRMAN. Do you make a proposition?

Mr. KLUMP. We pay him so much per head.

The CHAIRMAN. How much?

Mr. KLUMP. \$2.

Mr. WATKINS. Then they get them from Mexico?

Mr. KLUMP. I do not know.

The CHAIRMAN. Do they bring any families with them?

Mr. KLUMP. Yes; mostly.

The CHAIRMAN. Do they bring their families and come to Michigan from Texas?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. How was it before the war when you said you used about 6,000, and they were mostly Europeans? Where did you find them?

Mr. KLUMP. We found them in the larger cities, in the mid-West and East.

The CHAIRMAN. Chicago and Detroit, for instance?

Mr. KLUMP. Cleveland, Detroit, Buffalo, Cincinnati.

The CHAIRMAN. You would make trips to those cities to look for European laborers?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. And found them always?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Do you make the same kind of trips now and fail to find them?

Mr. KLUMP. That is the idea.

The CHAIRMAN. You do find them in cities employed at more than you can pay them for temporary work in the beet fields?

Mr. KLUMP. That is correct.

The CHAIRMAN. You would solve the situation by appealing for more German laborers to come to the United States to work part of the time in the best fields?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Do you think about 6,000 would be all you would need?

Mr. KLUMP. That is about the usual number we need each season. Of course, there are quite a number of other sugar companies in Michigan. I would judge that the sugar companies of Michigan alone need from 20,000 to 25,000 people.

The CHAIRMAN. For six months in the year?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. What is the average earning of a person in the six months' time in the best fields?

Mr. KLUMP. The average family runs from \$500 to \$1,500 for the season.

The CHAIRMAN. That is quite a wide range. Can not you get an average figure for earnings? Say, for example, for a man, wife, and three children. Do they work their children?

Mr. KLUMP. They work children from about 16 years up.

The CHAIRMAN. That is, to say, a man, wife, and three children over 16—what will that family earn?

Mr. KLUMP. They ought to take care of about 30 acres.

The CHAIRMAN. What do they earn?

Mr. KLUMP. That would be \$23 an acre. That is what we paid this past year.

Mr. WATKINS. That is \$690.

Mr. KLUMP. That is right.

The CHAIRMAN. A little more than \$100 a month for a man, wife, and three children.

Mr. KLUMP. Of course, they have free house and free transportation. They are furnished with a garden and it makes their living reasonably cheap.

The CHAIRMAN. Cheaper than it would be in the city?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Yet they go to the cities and fail to return to the best fields. Is that the experience?

Mr. KLUMP. Yes.

The CHAIRMAN. How do these Mexicans that you secure in Texas get back to Texas?

Mr. KLUMP. We take them back if they wish to go back.

The CHAIRMAN. Your contract provides transportation to and from Texas to Michigan?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. How much does it cost?

Mr. KLUMP. The fare from San Antonio to Saginaw is about \$54 one way.

The CHAIRMAN. What percentage of these Mexicans remain in Michigan?

Mr. KLUMP. Quite a number of them this year.

The CHAIRMAN. With their families?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. What is your solution of the problem?

Mr. KLUMP. I think that there ought to be a provision made in the immigration law to permit the agricultural interests of this country to bring in suitable people for their needs. At the present time we have a special provision in the law whereby the Secretary of Labor can give a special permit to bring in skilled labor.

Mr. CABLE. That is, if skilled labor of like kind is not found in the United States.

Mr. KLUMP. Yes, sir. We think that the agricultural interests of this country should be looked after.

Mr. WATKINS. You would not consider these people skilled labor?

Mr. KLUMP. Yes, sir; beet workers are skilled workmen.

Mr. WATKINS. Then that clause would cover it.

Mr. KLUMP. It all depends on what interpretation would be placed on that clause.

Mr. WATKINS. What are you going to do with these people when you throw them on the market and there is no place for them to work. Are these companies going to take care of them then?

Mr. KLUMP. I do not think there will be any difficulty about their not finding any work.

Mr. RAKER. It is not hardly an answer to the question.

The CHAIRMAN. Was there any unemployment in Michigan a couple of years ago?

Mr. KLUMP. No, I do not think so.

The CHAIRMAN. Michigan did not feel the effects of the period a few months after the armistice when there were several million out of work in the United States?

Mr. KLUMP. There was some unemployment about four years ago, I think.

The CHAIRMAN. I thought there was considerable unemployment in 1919 and 1920.

Mr. KLUMP. We have had a hard time in securing white labor.

Mr. WATKINS. What months of every year did you say that this labor is needed—from what month to what month?

Mr. KLUMP. From May until November.

Mr. WATKINS. I understand that prior to the war you were able to get the labor needed on the sugar plantations?

Mr. KLUMP. Yes, sir.

Mr. WATKINS. And after staying a while they would purchase farms and be permanent.

Mr. KLUMP. A great many of these people went back home after the war.

Mr. WATKINS. How did you get them at that period?

Mr. KLUMP. We got them in the various cities and in the large industrial centers.

Mr. WILSON. They would come from the industrial centers to the farms?

Mr. KLUMP. Yes, sir.

Mr. WILSON. Have you any plan now or assurance that if you could expand this skilled labor clause of this bill so as to cover industries and agriculture, that you could get from Germany and Belgium the labor needed? Have you made any investigation to see if you could?

Mr. KLUMP. No, we have not made any investigations, but we believe that it can be secured.

Mr. WILSON. Suppose that they could be and during this period you could bring over what you need, when this period from May to November expired, what would you do with these people in the meantime?

Mr. KLUMP. I think they could be taken care of by the factories in the districts where the beets are grown.

Mr. WILSON. They would be on the farm from May to November and in the factory from November to May again?

Mr. KLUMP. A great many of them would stay on the farm during the winter season.

Mr. WATKINS. Do many of them stay on the farm now in the winter season?

Mr. KLUMP. Yes, we have quite a number who stay over.

Mr. WILSON. Do you know whether or not the same conditions obtain in the other sections of the sugar beet growing area?

Mr. KLUMP. I do not know as I catch your question.

Mr. WILSON. Do you know whether the same conditions that you have in your sugar beet growing district relative to labor obtain in other sections of the United States where sugar beets are grown?

Mr. KLUMP. Yes, sir; everywhere. We are not simply thinking of ourselves but we are thinking of the general agricultural condition. A great many of the American boys are flocking into the cities. The fathers and mothers are getting old and the farms are being neglected, and we feel that we need a class of farmers in this country to take the places of these American boys and girls. It is not simply a question of the beet work.

Mr. WILSON. You would apply that to agriculture in general?

Mr. KLUMP. Yes, sir.

Mr. WATKINS. Do you not think that American boys are leaving the farm simply because you are bringing so many foreigners in that the American boys will not stay out there and work?

Mr. KLUMP. No, sir; that is not the case.

Mr. WILSON. Have you any estimate as to the number of Mexicans that you have brought up there since the war from Texas into Michigan?

Mr. KLUMP. No; not exactly. We brought in 2,700 the past season.

Mr. WILSON. How many of them have gone back?

Mr. KLUMP. And the Columbia Sugar Co. brought in 1,200; the Holland-St. Louis Sugar Co. about 800. Every large factory in the country has used more or less Mexicans. When you get out into Colorado, I understand the Great Western Sugar Co. needs several thousand.

Mr. WILSON. Of these 2,700 Mexicans that your company brought, how many of them have remained in Michigan since the sugar-beet season was over?

Mr. KLUMP. About 2,000 of our bunch are scattered all over this country to-day.

Mr. WILSON. In other words, you have a supply of labor that you bring in for that season. The next season that labor is practically scattered everywhere; it is gone.

Mr. KLUMP. Yes; we get very few of them the next season. They scatter all over the country.

Mr. CABLE. A great many of them live on charity in the winter-time, do they not?

Mr. KLUMP. They have some years.

Mr. CABLE. This last year they did.

Mr. KLUMP. No; I do not think so, not to any extent, in our community, not last year.

Mr. CABLE. Either that or you had to get rid of them?

Mr. BOX. Did not some of the mayors of these cities order them to leave this section of the country?

Mr. CABLE. Either that or paid their way back.

Mr. KLUMP. We do not want to bring these people up there. We simply bring them because we can not help ourselves.

Mr. WILSON. Is not that situation this: That you either have to get the Mexican labor or some other labor of that character, or foreign labor, or abandon your operations? Is not that the situation?

Mr. KLUMP. That is the situation.

Mr. WILSON. You think it is out of the question to get Americans to do the work necessary to keep the beet-sugar industry going?

Mr. KLUMP. We never have.

Mr. WILSON. You never have in the past?

Mr. KLUMP. No, sir.

Mr. WILSON. Why?

Mr. KLUMP. I do not know. They do not seem to take to this class of work. We have always had to rely on so-called foreign labor to do this work.

Mr. WILSON. Is there any considerable number of your native-born citizens of Michigan who have small farms and raise sugar beets?

Mr. KLUMP. Yes, sir.

Mr. WILSON. Are they prosperous?

Mr. KLUMP. As far as they can be under present conditions.

Mr. WILSON. Conditions ought to be pretty good. You have the Fordney tariff bill operating.

Mr. KLUMP. The farmers think they are not making very much more money. They make more money out of beets than they do anything else.

Mr. WILSON. We have very much the same situation in the cotton areas of the South, in some sections, as to whether business is improving for the man who is out on the farm. The natives of Michigan are usually thrifty citizens and are prosperous when producing sugar beets themselves?

Mr. KLUMP. Yes, sir.

Mr. WILSON. Then another question comes up. Do you have large areas such as plantations owned by corporations and wealthy individuals?

Mr. KLUMP. No, sir.

Mr. WILSON. It consists simply of farm operations?

Mr. KLUMP. That is right.

Mr. WILSON. Have you made any effort to see if you could secure native Americans to buy these small sugar-beet farms and become home owners?

Mr. KLUMP. No, we have not.

Mr. WILSON. You have not made an effort to try to do that?

Mr. KLUMP. No, sir; we do not deal in real estate.

The CHAIRMAN. Who goes ahead of the operation that used to put the European labor into the ownership of small farms that you spoke of?

Mr. KLUMP. What I meant was this, that a great many of the beet workers, after they have worked beets several years, save enough money and buy a farm of 40 or 80 acres. We have a great many of these people who formerly worked beets living up in that section now.

Mr. WILSON. They become landowners?

Mr. KLUMP. Yes, sir.

Mr. WILSON. They become genuine, good Americans.

Mr. KLUMP. Yes, sir.

Mr. WILSON. I was wondering if there is any way by which we could help you out by devising a scheme to get people already in America to go there and purchase and operate those farms, and thus in some way remove the necessity of having to go to Mexico for labor.

Mr. KLUMP. I do not want to be selfish, but we feel that something ought to be done for the agricultural interests of this country.

Mr. CABLE. If we would raise the quota from 3 to 6 per cent, would you have any more people come to the farms than you get now? Would they not go to the cities just the same?

Mr. KLUMP. No.

Mr. CABLE. Would we not have to let in 100,000 to get 100 for the farms?

Mr. KLUMP. I do not think so. My idea is that you should not let in anyone, only as they are needed. We are not asking for any surplus. We are asking that you permit us to bring in a certain number of people for farm work.

Mr. CABLE. Suppose you were permitted to go to Germany or Belgium and get 6,000 to take up in your particular territory; how would you keep them on the farm?

Mr. KLUMP. We would not keep that many.

Mr. CABLE. If permitted to bring 3,000, how would you keep them on the farm?

Mr. KLUMP. If we could get 100 families this coming spring we would be very glad to receive them.

Mr. CABLE. Would you keep them on the farm after you got them?

Mr. KLUMP. There would not be any difficulty about that.

Mr. CABLE. Why not?

Mr. KLUMP. They would naturally fall into the life of the farming community, and some of them probably would drift to the cities during the winter and come back again to the farm in the spring.

Mr. CABLE. Why don't they do that now?

Mr. KLUMP. That has been the way it has worked out for 20 years past.

Mr. WILSON. What is the unexhausted quota from Germany and Belgium now under the law?

Mr. CABLE. Last year there were 19,000 Germans who could have come but did not.

Mr. WILSON. How many Belgians?

Mr. CABLE. One hundred per cent Belgians, but 19,000 Germans left over.

Mr. VINCENT. I had occasion to ask that question of the Department of Labor the other day, not in connection with this matter at

all, as to the present quota, and I was informed that the German quota would be exhausted before the end of the fiscal year this time and that, if I remember correctly, it lacked something like four or five thousand now, and they expected it to be exhausted by February or March.

Mr. WILSON. The entire quota this year will be used?

Mr. VINCENT. Yes. There was a discrepancy or deficiency last year. Belgium was 100 per cent; Germany was short.

Mr. CABLE. Seventy-three per cent.

Mr. WILSON. How many additional would we get from Germany and Belgium if we adopted the census of 1890?

Mr. RAKER. About the same.

Mr. WILSON. Has your company any organization by which it could induce Germans or Belgians of the kind you wanted to come over in the next quota?

Mr. KLUMP. Not as yet. We have made no attempt whatever.

Mr. WILSON. Your position is that in the next law we should have some kind of provision to admit agricultural laborers as they might be found to be necessary?

Mr. KLUMP. Yes, sir.

Mr. WILSON. Do you mean that outside of the quota or within the percentage plan?

Mr. KLUMP. What we are aiming at is a certain class of people. We want skilled farmers. We are not getting them under the quota. We are not getting many farmers under the quota; mostly professional people.

Mr. WILSON. Your position would be that in this clause where when found necessary a skilled laborer would be admitted, you would put in there for industries and agriculture?

Mr. KLUMP. Yes, sir; that is the idea.

Mr. CABLE. Under 3 per cent for 1890, it would be 75,000, or about 8,000 more than the present 3 per cent.

Mr. WILSON. That is Germany.

Mr. VINCENT. It would increase the German quota 8,000 more persons.

Mr. RAKER. Would you tell the committee just what you want now?

Mr. KLUMP. We would like to have the privilege of bringing in a selected number of experienced farmers, principally from Germany.

The CHAIRMAN. And their wives and children?

Mr. KLUMP. In case we can not get them in this country.

Mr. RAKER. You have not been denied that right heretofore, have you?

Mr. KLUMP. I do not know. It depends on what is the interpretation you put on that word "skilled."

Mr. RAKER. Leaving the word "skilled" out for the present, and taking the quota of immigration as it stands, up until 1921, there was no restriction?

Mr. KLUMP. No.

Mr. RAKER. Since that time and up to the present time, there has never been an exhaustion of the German quota, has there?

Mr. KLUMP. No, sir.

Mr. RAKER. Then what are you complaining about?

Mr. KLUMP. We can not get them.



Mr. RAKER. There has been no inhibition of their coming?

Mr. KLUMP. What I mean to say is this, that the Germans who are coming over are not going into the agricultural country.

Mr. RAKER. You come before the committee with some special legislation. You must admit that there has been no inhibition for the Germans to come. Tell the committee what kind of legislation you want to bring these people over, if that is your position.

Mr. KLUMP. If we can not secure sufficient farmers in this country this coming year, we would like to have the permission to go to Germany and bring over a certain number of people who are experienced in sugar-beet work.

Mr. RAKER. Up to this time, I am saying, the German people have not been denied the right to come here?

Mr. KLUMP. No.

Mr. RAKER. And they have not exhausted their quota?

Mr. KLUMP. No; but we have no right to go to Germany and pick them up.

Mr. RAKER. That is what I want an understanding on.

Mr. KLUMP. Yes.

Mr. RAKER. Then your position is that you want the contract-labor law amended to the end that when the sugar-beet people feel that they are short of farm help they may go to a foreign country and solicit and obtain and bring here labor to do their work?

Mr. KLUMP. Yes, sir.

Mr. RAKER. That is the position of your organization, is it?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Have you taken that up with the board of directors of your organization? Do they voice your sentiment?

Mr. KLUMP. I think so.

Mr. RAKER. The only way we can get it is for you to tell us.

Mr. KLUMP. I do not know whether it has been formally discussed by the board of directors but that is the sentiment at the headquarters where I am located in Saginaw.

Mr. RAKER. Do you represent more than one organization?

Mr. KLUMP. No, sir.

Mr. RAKER. The only organization you represent is what?

Mr. KLUMP. The Michigan Sugar Co.

Mr. RAKER. And the Michigan Sugar Co. want the contract-labor law amended or repealed to the end that the sugar-beet people may go to a foreign country and solicit and obtain contract labor to do their work?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Would you apply that to the man raising wheat, to the wheat farmer?

Mr. KLUMP. Yes; I would make that general.

Mr. RAKER. You would make it apply to all industries?

Mr. KLUMP. Covering all agricultural interests.

Mr. RAKER. Covering all the agricultural industries?

Mr. KLUMP. Yes, sir.

Mr. RAKER. That would relate to the man raising oranges?

Mr. KLUMP. Yes.

Mr. RAKER. Rice?

Mr. KLUMP. Yes.

Mr. RAKER. Potatoes?

Mr. KLUMP. Yes.

Mr. RAKER. In fact, everything that is produced from the soil, and your organization or combination would amend the law so that they could thus obtain labor?

Mr. KLUMP. I think that would be only just and fair.

Mr. RAKER. Would you amend the law so that a man engaged on a railroad, or railroad operators, might do the same thing?

Mr. KLUMP. They have that under the special skilled labor clause.

Mr. RAKER. Let us drop the skilled labor clause. We will come to that later. Is your view the same as to railroad operators bringing in men to do their work, as you have suggested with reference to the sugar-beet people?

Mr. KLUMP. I have no objection.

Mr. RAKER. Is that your view?

Mr. KLUMP. Yes; if they need labor.

Mr. RAKER. Is it your view that a man who is running a manufacturing plant, steel or otherwise, should have the same privilege?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Then your idea is and your request of the committee is that they should repeal the contract labor law relative to the importation of aliens from abroad?

Mr. KLUMP. Yes. Of course, I am especially interested along agricultural lines. I do not know anything about the manufacturing interests.

Mr. RAKER. What I was trying to get at is, if you would give it to agriculturists you would give it to manufacturers.

Mr. KLUMP. I understand that men are being brought in now from the old country for mining purposes.

Mr. RAKER. That does not quite answer my question. What is being done we will determine later, but I am asking you if that is your view, and if the question you would like to present to the committee is that you want the manufacturer to have the same right as you claim the agriculturist should have?

Mr. KLUMP. Yes, sir.

Mr. RAKER. You would make no distinction?

Mr. KLUMP. No, sir.

Mr. RAKER. Then is it your view and do you intend to convey to the committee that the enactment of the contract labor law has been a bad thing for the United States?

Mr. KLUMP. That it has been a bad thing?

Mr. RAKER. That it has been a bad thing. Is that your view?

Mr. KLUMP. I do not think so.

Mr. RAKER. Then why do you want to reverse it?

Mr. KLUMP. Please state your question again.

Mr. RAKER. We have a law on the statute books known as the contract labor law, which prohibits anyone, individual, corporate or otherwise, or association, from bringing people in here under contract to do work.

Mr. KLUMP. Yes.

Mr. RAKER. That has been on the statute books for some time, and the American people seem to think it is a godsend to this country. Is it your view that that law should be repealed and that it has worked to the disadvantage of America?

Mr. KLUMP. No, sir; not in the broad sense of the word. My view is that we should only bring people into this country as they are needed by the various interests.

Mr. RAKER. That is what I say. Then you would leave it up to each organization, individual, or association to determine what their interests are?

Mr. KLUMP. Yes, sir.

Mr. RAKER. You would then put a tax or give a privilege to the man who raises sugar beets, as against other industries, and then permit him to import cheap contract labor. Is that right?

Mr. KLUMP. No.

Mr. RAKER. How do you reconcile the two?

Mr. KLUMP. I do not call this cheap labor.

Mr. RAKER. Foreign labor, I will put it that way. I put the cheap on as my own interpretation. How can you reconcile the two?

Mr. KLUMP. I reconcile it in this way, that the immigration law should be based upon the needs of the various industries of this country. If, for instance, we can not get sufficient beet help in this country, we should be permitted to secure under the supervision of the Labor Department of this country a sufficient number of people to fill up the vacancies.

Mr. RAKER. Irrespective of what effect that might have upon the national life of America?

Mr. KLUMP. I think it would be a very good effect if we get the right kind of people.

Mr. RAKER. That is your view of it?

Mr. KLUMP. Yes, sir.

Mr. RAKER. What do you call the right kind of people?

Mr. KLUMP. People whom we could easily assimilate into our life.

Mr. RAKER. Tell us from where you want to get them.

Mr. KLUMP. Take, for instance, the northern and western part of Europe.

Mr. RAKER. That has not been exhausted, except a few of the small countries.

Mr. KLUMP. But those who have been coming over are not farmers. They are flocking to the cities.

Mr. RAKER. Your idea is to get men to come over as farmers and so arrange it that they will remain on the farm?

Mr. KLUMP. As much as possible.

Mr. RAKER. Do you think that would be good policy?

Mr. KLUMP. I think the distribution should be better regulated.

Mr. RAKER. All right; let us get down to Mexico now. You say you have been paying \$2 per head to labor agents in Texas for securing Mexicans for the sugar-beet industries. Is that right?

Mr. KLUMP. Yes, sir.

Mr. RAKER. What towns did you go to to select these?

Mr. KLUMP. San Antonio, Houston, and Fort Worth.

Mr. RAKER. Name us your agent at San Antonio.

Mr. KLUMP. At the present time he is I. M. Garza.

Mr. RAKER. A Mexican?

Mr. KLUMP. Yes; he is a citizen of this country, born in Mexico.

Mr. RAKER. And your agent at Fort Worth?

Mr. KLUMP. The same man.

Mr. RAKER. At the other city?

Mr. KLUMP. At Houston we had a man by the name of Heider this past year.

Mr. RAKER. Is he your agent now?

Mr. KLUMP. No, sir.

Mr. RAKER. Who is your agent?

Mr. KLUMP. Mr. Garza.

Mr. RAKER. He represents you at all these cities?

Mr. KLUMP. Yes, sir.

Mr. RAKER. He has a general contract with your company to secure this labor?

Mr. KLUMP. Yes, sir.

Mr. RAKER. It is wholly immaterial to you people how he gets them so long as he gets them?

Mr. KLUMP. That is probably true in a sense; yes. We do not ask any questions.

Mr. RAKER. If they are there, that is all you care for?

Mr. KLUMP. Yes.

Mr. RAKER. Does that include the man, the wife, and the children, at \$2 per head?

Mr. KLUMP. No.

Mr. RAKER. If there is a man, wife, and three children, five in all, that will be \$10.

Mr. KLUMP. We pay him 50 cents for the females.

Mr. RAKER. How much for the minor children from 14 to 16, 18, or 19 years of age?

Mr. KLUMP. We pay him \$2 a head from 16 years up.

Mr. RAKER. From 16 years up you pay \$2?

Mr. KLUMP. Yes, sir; for all males; for females, 50 cents.

Mr. RAKER. From what age?

Mr. KLUMP. Same age.

Mr. RAKER. Sixteen?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Married, single, or otherwise, it makes no difference?

Mr. KLUMP. It makes no difference.

Mr. RAKER. Will you tell the committee how many of these imported alien farmers now own farms in the community in which you live?

Mr. KLUMP. I could not answer that question. I do not know how many there are.

Mr. RAKER. A dozen?

Mr. KLUMP. Yes, there are several hundred.

Mr. RAKER. In this particular locality?

Mr. KLUMP. Yes, sir.

Mr. RAKER. What is the smallest acreage that is cultivated in beets in that community?

Mr. KLUMP. It ranges from 2 acres up.

Mr. RAKER. How large an acreage.

Mr. KLUMP. Sometimes up to 100 acres; not very often; usually it is around 15 acres.

Mr. RAKER. These people are simply brought in for seasonal work?

Mr. KLUMP. Yes, sir.

Mr. RAKER. They participate in none of the functions in the community?

Mr. KLUMP. No, sir.

Mr. RAKER. They are not received in the homes?

Mr. KLUMP. Yes, they are.

Mr. RAKER. They associate with the townspeople?

Mr. KLUMP. To a considerable extent.

Mr. RAKER. They go to their entertainments, dances, churches—these Mexicans?

Mr. KLUMP. Yes, sir; even the Mexicans.

Mr. RAKER. So it is a sort of homogeneous settlement.

Mr. KLUMP. I do not know what you would call it.

Mr. RAKER. That then would be six months labor and six months idleness.

Mr. KLUMP. No, they are not idle.

Mr. RAKER. That is, so far as the sugar-beet industry is concerned. is that right?

Mr. KLUMP. Yes, sir.

Mr. RAKER. So far as your employment is concerned?

Mr. KLUMP. Yes, sir.

Mr. RAKER. So this family of husband, wife, and three children over 16 years of age, according to your statement, the five of them would earn \$690 in six months?

Mr. KLUMP. Yes. The difficulty is that our Mexican labor is not experienced enough, that they do not cover sufficient acreage.

Mr. RAKER. That would be the amount of the earnings. \$690?

Mr. KLUMP. Yes.

Mr. RAKER. Unless they can get work somewhere else they have six months, these five, to live on out of this \$690?

Mr. KLUMP. An industrious beet worker works all the time. When he gets through with his beets he is engaged in something else. He has become a great factor in filling up the depleted ranks in our factories.

Mr. RAKER. Did you get my question?

Mr. KLUMP. Maybe I didn't catch it.

Mr. RAKER. The remaining six months of enforced idleness, so far as the beet industry is concerned, he would only have the \$690 for himself and wife and three children?

Mr. KLUMP. In some cases.

Mr. RAKER. In the case as illustrated by you, would that be true?

Mr. KLUMP. Some of these people that have four to five workers take care of 40 acres; that is, an experienced Belgian, for instance.

Mr. RAKER. Will you please stick with me on this proposition of husband and wife and three children over 16 years of age, whom you said would earn \$690, and let us confine ourselves to them for a moment?

Mr. KLUMP. Leave it that way.

Mr. RAKER. We will not quite leave it yet. We will come back again. The remaining six months, so far as the sugar beet industry is concerned, he would have enforced idleness, would he not?

Mr. KLUMP. Yes, sir.

Mr. RAKER. So he would have \$690 for that six months to live upon.

Mr. KLUMP. Yes, sir.

Mr. RAKER. He would have had six months before to have clothed himself, his wife, and his three children out of this \$690, as well. Is that not true?

Mr. KLUMP. Yes.

Mr. RAKER. Now, how many Americans working on the farms in Michigan, with the same number working, five, are only getting \$690 for six months?

Mr. KLUMP. Judging from the reports that I have a great many farmers are not making any more than that.

Mr. RAKER. My question was lame when I put it. I will put one that is not. A man working for a farmer, and his wife working and three children over 16 years of age, for wages, how much would they get?

Mr. KLUMP. I do not know.

Mr. RAKER. Give us an idea.

Mr. KLUMP. I have not any hired man.

Mr. RAKER. Please do not say about your hired man. You are in the business of hiring men. You know what a farmer gets there in that kind of work in that community. How much does he get a day?

Mr. KLUMP. I have an idea they pay about \$40 a month and their upkeep.

Mr. RAKER. For the year around?

Mr. KLUMP. I do not know.

Mr. RAKER. \$40 a month would not be for haying in harvest time; that work would be from \$3 to \$5 a day.

Mr. KLUMP. They do not usually hire people by the day in our country; they usually hire them by the month.

Mr. RAKER. For a year?

Mr. KLUMP. Some of them.

Mr. RAKER. Are not most of them getting a monthly wage per year, commencing in January and running the entire year, and equalizing the wage by giving them a certain amount each month for the whole year, \$40 to \$50, and furnished?

Mr. KLUMP. I think that is true in certain cases.

Mr. RAKER. In what cases is it not true?

Mr. KLUMP. I think that some of the farmers only hire help during the summer months.

Mr. RAKER. I am talking about farmers now.

Mr. KLUMP. I understand.

Mr. RAKER. There is quite a discrepancy there, is there not? In this instance, the man with his wife and three children would get \$300 a year, and with these Mexicans the whole five get \$690.

Mr. KLUMP. No; I do not think there is a discrepancy. I do not know what the man gets with a family when he hires out by the month. I simply had in mind a single man.

Mr. RAKER. Don't you know anything about the general scale of wages during the harvest season and then during the year-around employment, or per-month employment, that is paid a man and woman, or boys over 16 years of age in other agricultural pursuits except the beet industry, in that community as well as in the factories and otherwise? Don't you know anything about that?

Mr. KLUMP. Not from personal experience; no.

Mr. RAKER. Why don't you pay these people enough so that they can live?

Mr. KLUMP. Why don't the farmers make more money so that they can pay bigger wages?

Mr. RAKER. You answer my question, if you will, because that is what I am trying to get at.

Mr. KLUMP. We are not paying these people. The farmers are paying them.

Mr. RAKER. You contract for them?

Mr. KLUMP. No; the farmer makes the contract with them.

Mr. RAKER. You procure them only and get them there?

Mr. KLUMP. That is all.

Mr. RAKER. And after they are there the farmer contracts with them. Is that right?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Let us put it this way. Why does not the farmer pay the beet workers the same price that is paid for kindred or like work in the community?

Mr. KLUMP. I think he does.

Mr. RAKER. Still, you have told us already that you do not know what the price is, neither per harvest, per month, or per year, that is paid other agricultural laborers in that community. Then, how can you tell us now that you think he is paying the same price?

Mr. KLUMP. I said from personal experience. I have no experience as to what farmers are paying men by the month, except in a general way.

Mr. RAKER. Then why do you tell us that they are paying as much as the farmers, if you said you did not know?

Mr. KLUMP. I said I thought about \$40 a month.

Mr. RAKER. Why do they not employ American men and women to do this work?

Mr. KLUMP. They can not get them. They are not to be had.

Mr. RAKER. No place?

Mr. KLUMP. No place.

Mr. RAKER. Where have they gone to try?

Mr. KLUMP. They have gone into the cities.

Mr. RAKER. What cities?

Mr. KLUMP. Detroit, Cleveland, Buffalo—every other big city.

Mr. RAKER. What do you promise them when you go to get them to come out on the farms—on these sugar beet-farms?

Mr. KLUMP. We paid them this year \$23.

Mr. RAKER. What do you promise them when you try to employ them, to have them go to Michigan to work on the sugar-beet farms?

Mr. KLUMP. We show them the contract which they will sign with the farmer. The farmer promises to pay so much per acre, gives them a free house and a garden spot.

Mr. RAKER. You do not tell them how much they will get per day?

Mr. KLUMP. No; we can not tell them that, because we do not know how much they will do in a day.

Mr. RAKER. You do it in every other employment, practically, on a piece job.

Mr. KLUMP. This is different.

Mr. RAKER. Isn't it different because they want this kind of labor?

Mr. KLUMP. No. We will take any kind of labor that we can get.

Mr. RAKER. Have you offered these men, when you have sought them in the cities, say, \$4 a day for their work in the beet fields?

Mr. KLUMP. We can not do it.

Mr. RAKER. I asked you had you ever done it?

Mr. KLUMP. No, sir.

Mr. RAKER. Did you offer them \$3.50 or \$3?

Mr. KLUMP. No, sir.

Mr. RAKER. Have you offered them any price per month?

Mr. KLUMP. No, sir.

Mr. RAKER. Have you offered to take them on the farm and give them a wage and take them in the home and give them the same kind and character of treatment as the other farmers give their men?

Mr. KLUMP. Yes, sir.

Mr. RAKER. But none of these sugar-beet farmers are doing it?

Mr. KLUMP. No. That is to say, that none of these sugar-beet farmers are able to secure sufficient help to raise this special crop, relying upon American help.

The CHAIRMAN. Have they ever had sufficient help at prices they wanted to pay to carry on the sugar-beet industry?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. When?

Mr. KLUMP. Before the war and up to the war.

The CHAIRMAN. Always.

Mr. KLUMP. Always.

The CHAIRMAN. The complaint of shortage of the kind of labor they wanted began with the outbreak of the European war?

Mr. KLUMP. The majority of these people that we had came to us year after year.

The CHAIRMAN. What did they do before the war, the people that helped you in the beet-sugar industry in the growing season? What did they do the rest of the time?

Mr. KLUMP. I suppose they worked in factories.

The CHAIRMAN. Did you pay any attention to what they did do?

Mr. KLUMP. No, sir.

The CHAIRMAN. When you got through with the people from Mexico, did you do anything to get them back to Mexico?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. What did you do?

Mr. KLUMP. We promised to take them back if they wished to go back.

The CHAIRMAN. Did you take them back?

Mr. KLUMP. Yes; those that will go back; we can not compel them.

The CHAIRMAN. Of course not. Do you make any contract with this man in Fort Worth that you will get these people back?

Mr. KLUMP. No, sir.

The CHAIRMAN. Are these Mexicans led to believe that they will be assisted back to Texas?

Mr. KLUMP. We give them a written contract to that effect.

The CHAIRMAN. When you want them to go back how do you go about it?

Mr. KLUMP. We notify them to get ready.

The CHAIRMAN. When he gets ready what do you do?

Mr. KLUMP. Put him on the train.

The CHAIRMAN. You give him the money to go?

Mr. KLUMP. Tickets are provided before he leaves.



The CHAIRMAN. What about his railroad ticket?

Mr. KLUMP. We furnish that.

The CHAIRMAN. You give him the ticket in hand?

Mr. KLUMP. No; we send a man with him who holds the tickets.

The CHAIRMAN. You do the same thing in bringing them from Texas, bring them under control of a man, work them six months, pay them three times in the six months, and send them back with a man if they want to go?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Do you give them to understand that they need not go?

Mr. KLUMP. Not necessarily. I do not know what may be said outside of my office.

The CHAIRMAN. Who pays the man that brings them?

Mr. KLUMP. The agent we have in Texas usually sends his own man with them coming up.

The CHAIRMAN. Does he stay up there in the summer?

Mr. KLUMP. No, sir.

The CHAIRMAN. He speaks the Mexican language.

Mr. KLUMP. Yes, sir. He is simply a pilot.

The CHAIRMAN. Does he come up and get them—the same man?

Mr. KLUMP. We send our own man back with them.

The CHAIRMAN. Do the men drop off the train at the various cities?

Mr. KLUMP. Yes.

The CHAIRMAN. Do you take their families back with them?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. Do you pay any attention to see that they get together and get properly started back?

Mr. KLUMP. Yes. The Mexicans are very nice about that, and like to have their families back with them.

Mr. RAKER. They live in such elegant style and condition when they are working with these little wickiups, even more primitive than the ordinary Indian?

Mr. KLUMP. No, sir.

Mr. RAKER. They live in good homes?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Nicely provided for?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Have you a copy of that contract?

Mr. KLUMP. I have not.

Mr. RAKER. Will you furnish it to the chairman of the committee to print with the hearings?

Mr. KLUMP. I will send you one.

Mr. RAKER. Will you send also a copy of the contract you make with the individual to have him come up?

Mr. KLUMP. You mean the contract which the farmers make with him?

Mr. RAKER. Yes.

Mr. KLUMP. Yes.

Mr. RAKER. Do you think that any business is profitable to America that requires the handling of humanity such as you describe to the committee now?

Mr. KLUMP. I do not know. I think I rather object to that question.

Mr. RAKER. I realize that people object to it.

Mr. KLUMP. I do not think it is a fair way of putting it.

Mr. RAKER. Just as far as you can?

The CHAIRMAN. We ask you these questions for this reason: That the proposal is made here seriously that we enlarge the contract labor provisions to include agricultural laborers. The contract labor law exemption, if you understand it, is so severe that very few skilled laborers per year are brought in under it. The showing must be made in advance that they can not find the men and provisions are made so that while they come under contract they are in no form of peonage or serfdom, and the problem arises, how can this committee, if it decides to try to meet your problem, and the problem also in the cotton, rice, and other industries, how can we go about that and not establish a condition of peonage? That is why we are asking you about it in earnest.

Mr. RAKER. In other words—the chairman will be frank with me—for some six months I was one of the members of the committee investigating the sugar industry, and we investigated this condition in Michigan and Colorado and California, and, in fact, all over the United States, and it is instructive to read the method in which they handled these people in working them. My question put to the witness, and I hope he will answer it, is whether or not any industry where human beings are driven and brought in like the witness even has described in his attempt to make it as good as he can ought to exist, and whether it is good for this country, and whether or not an industry that will not pay an American American wages so that he can raise his family like an American ought to, if we ought to permit the kind of labor that the gentleman is here seeking to maintain the industry with to come in? Will you answer my question?

Mr. KLUMP. We claim that these people are working under a healthful condition and are paid good wages for the work which they are doing, and a great majority of them like it so well that they return to us year after year.

Mr. RAKER. If they will return from year to year, why do you pay this \$2 per head to this agent down there to get him to deliver human chattels? I will make it as strong as I can because it seems to me the most nefarious proposition that was ever perpetrated upon a civilized community.

Mr. KLUMP. I have no answer to make to that.

Mr. RAKER. I do not think any could be made.

Mr. WATKINS. Is it not a fact that people come down here and ask for a tariff on their articles in order to pay American wages to American workingmen?

Mr. KLUMP. I do not know.

Mr. WATKINS. Have not you been in the habit of doing that with your company? They get a tariff on the theory that they want to pay American wages to the American workingman. You have been here on that proposition?

Mr. KLUMP. I have read about that; yes.

Mr. WATKINS. Yet they do not have in their employment American workingmen?

Mr. KLUMP. The difficulty lies in the fact that the American people do not like this kind of puttering work. This is hoe work and the average American does not like that kind of work. They have not been raised that way. That is the only thing there is to it.

The CHAIRMAN. What are we going to do with these 10,000,000 children born in the last 10 years in the United States?

Mr. KLUMP. I do not know.

The CHAIRMAN. Some of them will have to take off their white collars?

Mr. KLUMP. I hope so.

Mr. Box. In your connection with this labor supply problem, do you mingle with the laborers and see their condition while they are at work?

Mr. KLUMP. To a certain extent, as far as my time permits; yes, sir.

Mr. Box. Do you see them when they are imported or being imported?

Mr. KLUMP. Imported from where?

Mr. Box. From Texas and elsewhere.

Mr. KLUMP. No, sir; I do not know about that.

Mr. Box. You do not see them as they are brought in?

Mr. KLUMP. Not all of them.

Mr. Box. You do not see them as they are at work?

Mr. KLUMP. I only see them as we secure them in Texas.

Mr. Box. You see them as you secure them in Texas. Do you see them after they are collected for transportation to your section?

Mr. KLUMP. Some of them.

Mr. Box. What kind of houses do they live in after they get there? Take a family of five, as that size family has been mentioned; what kind of a house will a family of five occupy in your country during the six months in which they are engaged in this work?

Mr. KLUMP. We have some very good houses, with 8 and 10 rooms for the larger families.

Mr. Box. I know you have splendid houses in your magnificent State, but what I want to get at is the kind of a house that the Mexican sugar laborer lives in while he is in Michigan doing this work. That particular family doing that particular work occupies what kind of a house?

Mr. KLUMP. He occupies a house having from three to five rooms.

Mr. Box. That is, a family of five will occupy a house having from three to five rooms.

Mr. KLUMP. Some of them, of course, have smaller families and some larger.

Mr. Box. I am talking about an average family of five.

Mr. KLUMP. Yes.

Mr. Box. Do you see the house before the Mexicans go into it?

Mr. KLUMP. Yes.

Mr. Box. Are the houses furnished?

Mr. KLUMP. We supply them with household utensils, blankets, cots, stoves, and cooking utensils.

Mr. Box. Do they have bedsteads?

Mr. KLUMP. Some of them.

Mr. Box. In how many of these houses occupied or to be occupied by Mexican laborers do you find bedsteads?

Mr. KLUMP. All of them have cots or other stationary or movable bedsteads, and some prefer to sleep on the floor.

Mr. Box. Do you supply them with bed linen and mattresses?

Mr. KLUMP. Yes; in some cases.

Mr. BOX. Can you recall a case, one case, in which you saw a house to be used by these Mexican peons, and that is what they are at home, as you know, in which that house was supplied with mattresses and bed linen?

Mr. KLUMP. No; not in the sense that you mean it.

Mr. BOX. I am just saying it in as good English as I can.

Mr. KLUMP. They would not appreciate that.

Mr. BOX. I know them. That is the reason I am asking you these questions. You can not name a house in which you saw a mattress and bed linen in the sense that the ordinary American understands these words?

Mr. KLUMP. No.

Mr. BOX. They do not have these things provided for them beforehand. What do they bring with them as they journey up there to do this work? What does the man actually bring with him and his family in the way of bedding and bed linen?

Mr. KLUMP. Very little, I judge. They usually have a trunk or two, and sometimes bundles of clothing.

Mr. BOX. One or two trunks possibly, but a trunk is a rare thing!

Mr. KLUMP. No; I do not think they are empty.

Mr. BOX. Do you see many of these Mexican farmers having trunks?

Mr. KLUMP. Some of them haven't got anything.

Mr. BOX. Isn't that the biggest part of them?

Mr. KLUMP. I do not know but what that is correct.

Mr. BOX. I would like to follow this up, but I want to get these facts and be courteous. Is it not a fact that very few of them have trunks?

Mr. KLUMP. I think the larger majority, about all they have is what they have got on their bodies.

Mr. BOX. With one or two little bags or bundles of dirty clothes, and they are usually dirty, are they not? They have no bed linen and they take none with them. They find none when they go there, and yet your best people associate with them and dance with them?

Mr. KLUMP. I did not say that.

Mr. BOX. I am glad my error is corrected.

Mr. KLUMP. I did not say that.

Mr. BOX. They do not mix much.

Mr. KLUMP. What I meant by that is that in some localities where they have a dance they invite these Mexicans in. They go to church, some of them, and, of course, they have to sit in the same pews with other people.

Mr. BOX. Did you ever attend one of their dances?

Mr. KLUMP. No; I did not.

Mr. BOX. Did you ever see one of them?

Mr. KLUMP. No.

Mr. BOX. Did you ever see any of these people, thus clothed and thus provided with household goods, sitting in a church with an assembly of American men and women?

Mr. KLUMP. Yes, sir.

Mr. BOX. You have? Have you seen any considerable number in such places?

Mr. KLUMP. Most of these Mexican people attend the Catholic Church.

Mr. Box. They have a right to go to any church they want to. I am not talking about particular churches.

Mr. KLUMP. I have had occasion to be in one or two places where they had services of this character, and I attended.

Mr. Box. You have then seen on one or two occasions these people assembled with people of their own faith engaged in worship?

Mr. KLUMP. Yes, sir.

Mr. Box. But you do not usually see it?

Mr. KLUMP. I can not say from personal observation.

Mr. Box. You only think of one or two cases.

Mr. KLUMP. We have, for instance, some people who have little religious gatherings among themselves in the schoolhouses.

Mr. Box. They are brought up from Texas in sleeping cars?

Mr. KLUMP. No.

Mr. Box. Men, women, and children are crowded together indiscriminately?

Mr. KLUMP. No; not crowded. We usually make provision so they will have plenty of room.

Mr. Box. Did you ever travel from Texas to Michigan on one of these Mexican labor trains?

Mr. KLUMP. Yes, sir.

Mr. Box. Did you ride with the rest of the passengers?

Mr. KLUMP. Yes, sir.

Mr. Box. You rode in the crowd with that bunch?

Mr. KLUMP. Yes, sir.

Mr. Box. Did you see many men like yourself in there with them?

Mr. KLUMP. There was one or two of us.

Mr. Box. And you were both interested in keeping the bunch together?

Mr. KLUMP. Yes, sir.

Mr. Box. Are they not the very lowliest and most ignorant kind of people?

Mr. KLUMP. I think so; yes; but, you see, that is what we want to get away from. That is the sore spot.

Mr. Box. I understand. Has your agent in Texas who represents you at Fort Worth and at San Antonio and at Houston ever told you where he gets his labor supply?

Mr. KLUMP. No.

Mr. Box. That is one of the points you do not ask any questions on?

Mr. KLUMP. Now, I had a talk with the immigrant inspector last spring, Captain Hanson, and he told me that there were very few people who stole their way across. He said most of them come across the bridge and pay their head tax.

Mr. Box. Who was that?

Mr. KLUMP. Captain Hanson, the inspector in charge for that district.

Mr. Box. At what place?

Mr. KLUMP. San Antonio and Laredo.

Mr. Box. Do you know who pays the head tax for them?

Mr. KLUMP. No.

Mr. Box. When you pay the agent only \$2 a piece for them how can you imagine that \$8 head tax is provided?

Mr. KLUMP. I do not know.

The CHAIRMAN. Has there been any sign of complaint among the neighborhoods in Michigan against these Mexicans?

Mr. KLUMP. No, not particularly. They are very nice people to get along with.

The CHAIRMAN. The settlers there and neighbors do not feel that the Mexicans are going to settle and stay among them?

Mr. KLUMP. No.

The CHAIRMAN. As to those that do stay there, do their children go to the public schools?

Mr. KLUMP. Yes, sir.

The CHAIRMAN. And no complaint about it? Are there many Mexicans in the city of Saginaw?

Mr. KLUMP. I think there are two or three hundred at the present time.

The CHAIRMAN. If a plan was arranged by which persons working in the beet fields could be brought under contract from Europe, would you feel that you could offer them permanent employment?

Mr. KLUMP. No.

The CHAIRMAN. Would you have your contract make any provision as to the wife and children?

Mr. KLUMP. Yes; we would have to do that in order to bring the family.

The CHAIRMAN. In order to have any permanence at all for the people you are bringing from a far-distant country.

Mr. KLUMP. Yes.

The CHAIRMAN. You would want the contract to be so that you might put up the steamship passage money?

Mr. KLUMP. If necessary.

The CHAIRMAN. You would want a provision so that you could recover that passage money from the wages?

Mr. KLUMP. I do not know just what way we would pursue. We have not given it very much thought as yet.

The CHAIRMAN. It is a pretty big proposition.

Mr. KLUMP. Yes; it is a very big proposition.

The CHAIRMAN. It is self-evident if it was inaugurated.

Mr. KLUMP. Our minds have been entirely engaged with the fact that we are handicapped by the present immigration law.

The CHAIRMAN. Your minds?

Mr. KLUMP. Our minds have been engaged with the problem.

The CHAIRMAN. You said a few moments ago, I believe, that miners had come under contract labor to the United States.

Mr. KLUMP. I saw an item in the Detroit Free Press, I think it was, where a mining company in the northern part of the State had brought in 300 German people not so very long ago.

The CHAIRMAN. You do not know that they were actually brought all the way from Germany under contract?

Mr. KLUMP. I do not.

The CHAIRMAN. The probabilities are that they came under the German quota and were found in some city.

Mr. KLUMP. I doubt very much if that is true. They could not possibly gather up that many people without recruiting them on the other side.

The CHAIRMAN. Did you learn at what point they came into the United States?

Mr. KLUMP. I do not know.

The CHAIRMAN. What is the name of the company?

Mr. KLUMP. The Calumet & Hecla.

The CHAIRMAN. Where are their offices?

Mr. KLUMP. Calumet.

The CHAIRMAN. If the beet sugar industry was assisted or permitted to receive temporary labor, the mining industries of Michigan and elsewhere would have to have something similar.

Mr. KLUMP. It appears they have that, somehow.

The CHAIRMAN. Does not the mining industry out there complain that their labor goes to the cities?

Mr. KLUMP. I expect so. I do not know for a certainty, but I would think so.

Mr. RAKER. As I take it, you were raised in Michigan.

Mr. KLUMP. Yes, sir.

Mr. RAKER. And have been there practically all of your life?

Mr. KLUMP. Ever since I was 10 years old.

Mr. RAKER. What has been your business before you got into this?

Mr. KLUMP. I was a minister for quite a number of years until my health failed me.

Mr. RAKER. As a citizen of the United States, isn't it your view that we ought to arrange to adjust our businesses—agricultural and manufacturing—so that American citizens could and would do the work?

Mr. KLUMP. That never will be.

Mr. RAKER. I know, but do you quite get my question?

Mr. KLUMP. Oh, I wish that was so, yes.

Mr. RAKER. Well, don't you believe now that it is undermining our system of government, its genius, its aspirations, to have any number or class of people coming in and doing our work of any kind, who are not potential citizens?

Mr. KLUMP. Do you mean that they would not make potential citizens?

Mr. RAKER. Yes.

Mr. KLUMP. Yes.

Mr. RAKER. Well, then, every effort should be made to exclude those who wouldn't make potential citizens?

Mr. KLUMP. I fully agree with you, sir.

Mr. RAKER. Then even if it is a little hardship for the present, and even if it costs more, we ought to so arrange our laws so as to bring about that condition of affairs.

Mr. KLUMP. I don't think it can be done.

Mr. RAKER. Now, let us not suppose. That is not an answer to my question, because you will have to admit that for 70 years we did our own work, and did it by those who became citizens of this country, isn't that true?

Mr. KLUMP. Yes, sir; we did the bulk—oh, well, I will qualify that—I don't know what per cent, but a considerable per cent of our present citizenship is made up from people who came to us from the older countries within the last 50 years. The best farmers we have in Michigan to-day came from the old country.

Mr. WATKINS. Better than the Michigan-born farmer?

Mr. KLUMP. No, they came over, and we had communities up in our section; the original stock came from Germany—large com-

munities. I guess you will find it in every State in the Union. People who are thrifty, who have become good American citizens.

Mr. RAKER. What are you going to do with these million and a half of young men and women who leave our schools and colleges each year, in the way of employment?

Mr. KLUMP. I don't know.

Mr. RAKER. If you bring in aliens to do the work?

Mr. KLUMP. I don't know. I am very sorry that the conditions are as they are. I agree with you on those points. I understand the situation, but you will simply have to deal with the situation as you find it from time to time.

Mr. RAKER. Well, then, isn't it better now to take some active affirmative action that will bring this about, rather than to let it continue?

Mr. KLUMP. I don't know how you are going to do it.

Mr. RAKER. By doing it.

Mr. WATKINS. Hadn't we better begin to think of posterity instead of profits?

Mr. KLUMP. Yes, but what are you going to do with our American boys and girls who are leaving the farms?

Mr. RAKER. That is easy of solution.

Mr. KLUMP. All right, what is it?

Mr. RAKER. Such organizations as yours have to pay a fair and decent living wage, and you have to exclude those who are not assimilable, and you have to keep out of this country those who haven't the ideal of the form and kind and character and genus of our Government, and our American boys and girls will then go on the farm and do the work, as they did for 70 years.

Mr. KLUMP. Well, leave out your organization for a moment. Say nothing about sugar beets, take farming in general, and explain just why are the boys and girls leaving their homes and flocking to the cities—saying nothing about sugar beet work?

Mr. RAKER. For two reasons: First, they are not getting the fundamental, proper education, and, second, we are not paying them the right kind of wage, and, third, we are not giving them the proper treatment, such as they used to receive. The hired man is not what he used to be. He used to be given a bed and he sat down to the table, and he was given the comforts of a home and home life, and he would work, and when he made money, he saved it. To-day he is given a bunk of some kind. He is given the kind and character of a home that Judge Box describes, and the American people in all business will have to pay for this sooner or later, or our Government will not continue. There isn't any question, you can't deprive the American boy and girl of his heritage to make a living in this country, and I know you will agree with me on that.

Mr. KLUMP. I agree with you, but here is the situation to-day: Our farm homes are being depleted; we don't have the farmers any more; the people are flocking to the cities. Who is going to drive them back? You talk about educating the people. That is going to take 50 years.

Mr. RAKER. I don't think so.

Mr. WATKINS. Lack of housing and lack of food will drive them back sooner or later.

Mr. Box. After they have been practically ruined in the city.



Mr. KLUMP. We have thousands of farms in Michigan to-day, and you have thousands all over this country, the houses are empty and weeds and brush growing on the farms, because you don't have the farmers to work them.

Mr. WATKINS. Did you ever think about this, that even now we are raising more produce than we can consume, and that what the farmer raises he isn't getting reasonable, living prices for it; isn't that true?

Mr. KLUMP. That will be taken care of as soon as Europe gets squared away.

Mr. WATKINS. That is true now, isn't it?

Mr. KLUMP. Yes, sir; that is true.

Mr. WATKINS. Then, why put more farmers on the farms to become poorer at the present time?

Mr. KLUMP. Well, that will not last very long. Our beet farmers this year will make all the way from \$80 to \$100 an acre.

Mr. WATKINS. What, net profit?

Mr. KLUMP. No; not clear profit.

Mr. WATKINS. How much profit?

Mr. KLUMP. Oh, probably \$40.

Mr. Box. I want to ask the gentleman one or two questions about his plan that he suggests here, because a citizen talking about these matters ought to have our full confidence, and we ought to deal with him openly, I think. I want to know just how you feel, sir, about a proposition that would permit, we will say, the sugar beet growers, the cotton growers from my section, the cane growers from Louisiana, and all of the farmers of the United States, some of whom want labor of the lowliest kind—lowly black labor literally flooded the south and caused a war, and nearly ruined the nation. If we authorize you to go over there and pick out your bunch, and we authorize Mr. Cotton Farmer to go and pick out his bunch, and we authorize Mr. Gary to go pick out his bunch—we can not enact class legislation here—and we send each of you, anxious to get labor adapted to his particular needs—one bunch says Italians are the best, another bunch says the Spaniards are the best, another bunch says the Greeks are the best, and another bunch says the Russians are the best, for they are the best garment workers. Another bunch says we want the Germans. Now, we turn over to the great industries of the United States the right to go over there and pick out men to promote their profits, and we would have to repeal the contract labor law that has been on the statute book now nearly forty years. Now, what will be the effect on the United States, if men get limitless numbers of Mexicans—men who need Mexicans—and others get liberal numbers of Italians, and others great numbers of Greeks, and others Russians, and others Spaniards—what will be the effect of the importation of the mass of men who have been very wretched at home; what will be the effect, sir, on our country by a continuation of that policy?

Mr. KLUMP. A very poor effect.

Mr. Box. Well, aren't you asking us to do that?

Mr. KLUMP. No.

Mr. Box. Then, differentiate, if you please, sir.

Mr. KLUMP. We are asking to bring in a class of people that will easily assimilate themselves to our community.

Mr. Box. But, you are asking to bring in a class that will suit your needs, and you will have to give your fellow citizens the right to bring in the class that will suit their needs.

Mr. KLUMP. Yes; but I think there should be a condition made there, first, that they should not permit people to come into this country who do not fit into our system of life.

Mr. Box. Well, that is what we think. I say we. At any rate, that is what some of us think, and I believe that it is the prevalent view.

Mr. KLUMP. Yes.

Mr. Box. And we feel that those of you who are thinking so much about the profits of a particular business, without disrespect to you, sir, are not fair judges of the permanent interests of your country, when they are offset by considerations of present or prospective profits.

Mr. KLUMP. Well, we only judge by our needs, of course, by the general agricultural conditions.

Mr. Box. I think you will be able to see the view that some of us have about that.

Mr. KLUMP. Oh, I understand your position, and I thought of those things before I came here, but I think if there is an actual need in any particular industry in this country, it should be supplied from somewhere.

Mr. Box. May I ask if it has occurred to you that the trouble in the Balkans is the outgrowth of crowding together of separate racial groups that can not live together in peace?

Mr. KLUMP. Yes.

Mr. Box. May I ask you what you think it will be—think about our negro problem, with the justice and injustice and all that is bad involved in it; with the Japanese problem on his coast [indicating Mr. Johnson], and with various racial groups enlarging and thickening and congesting in various places. Representing you and your children and all the country, as best we can, even though very imperfectly, ought we not to foresee that we are creating in America for our children the very conditions from which these people are fleeing now?

Mr. KLUMP. Yes.

Mr. Box. Don't you think we ought to do that?

Mr. KLUMP. Yes, sir.

Mr. Box. Don't you think we ought to look with great caution on such propositions as you bring here?

Mr. KLUMP. Yes, sir, and I think we are allowing altogether too many people to come into this country that we don't need.

Mr. Box. That we don't need?

Mr. KLUMP. No, that we don't need, generally.

Mr. Box. Suppose a husband comes here and says mother and wife are over there.

Mr. KLUMP. That is an exceptional case.

Mr. Box. They are here by the hundreds and thousands. The demand for family groups is probably the dominant demand before this committee. And, so, while you think of industrial needs of one kind or another, others come before us for relief for persecuted races—unfortunate peoples who are persecuted all over the world—they come to us and say "Help us to get our people out from under this

persecution." Another group says there are 1,250,000 Assyrians, Greeks, and Rumanians, refugees in Greece, and to help us get them into the United States, away from this situation, and you err, sir, when you say it is only a question of supplying the industrial needs of the sugar producers.

Mr. KLUMP. No, of all the industries.

Mr. Box. Well, when you confine it to all industries, that group is backed by capitalistic interests and newspaper propaganda. However, that isn't the biggest interest that comes before this committee, it is these other elements, and if we concede what you demand we must concede the right of these other people.

Mr. KLUMP. Well, you have to decide what is best for the country, there is no question about that. But, it seems to me that the actual needs of the country should be considered.

Mr. Box. Can I refer again to the black question? That is what the men who are opening the jungles of Louisiana and Texas said. They said a white man can not go out in those cypress swamps and fell those big trees and irrigate those lands. If you want that land developed you must continue the slave trade, and they compromised it in the constitutional convention. They said, "It is an actual need; we must have them," and you see what the country got in bringing them—whatever fault there is attached to all of us in bringing them, you see the consequences of it.

Mr. KLUMP. Well, that may be true, generally speaking; but you take certain classes that came to us from Europe during all these past years. They have become good citizens of this country. They have made this country what it is.

Mr. RAKER. Just where did you get that idea—"They have made this country what it is"?

Mr. KLUMP. Take the English, Irish, Germans—I suppose most of us came over from there some time or other.

Mr. RAKER. I understood you to say those who came within the last 20 years.

Mr. KLUMP. I meant 50 years.

The CHAIRMAN. Our country seems to have become congested with nonassimilable people, and we are met with demands for more and more labor. Now Michigan needs more laborers in the factories, more people in the beet fields, more people in the copper mines, even though there is apparently an overwhelming number of aliens there now in some sections. We have continually had calls for more and more miners and the statement was made that in one county in Michigan the population was about 80 per cent alien, and as they got down to the cities of Michigan the cry was that they had to have an everlasting flow of men of the type to do mining in Michigan or the industry would not survive another year. It is still going. The cry comes from Pennsylvania that they have no coal miners, but we have statistics to show that they live herded together, in crowded, uncomfortable, and insanitary conditions. And Now England comes in saying that they must have a supply of spindle workers that they must get from countries like Portugal and Spain. Now, that is the condition that is before us.

Mr. KLUMP. Yes; but I think you must decide this question on what is best for this country—the class of people.

The CHAIRMAN. There have been men by dozens to testify that men are laying awake nights wondering what will happen to their children, for this general reason. The country has no land to give away any more. It can no longer turn out children and say this is a country of opportunity. Up to the outbreak of the European war we had a tremendous stream of immigration. It got very heavy every fall when the fruit industries raised the cry they wanted more cheap transient labor to get in the crops. It seems to be a human desire not to see crops rot, even if they have no market to sell them.

Mr. RAKER. You have studied the labor situation to some extent—the number of people that are unemployed?

Mr. KLUMP. No; I don't know as I have.

Mr. RAKER. Then, you would not be able to answer this question whether or not, with the people here now, there are sufficient here to do all the work we have to do?

Mr. KLUMP. Not along agricultural lines.

The CHAIRMAN. I want to ask you if you have given any thought to this: Have you given any thought to the apparent fact that the agricultural situation is developing to a point that it will soon be peasantry in this country? That is to say, the people that you bring in must work years—10 years—to become possible owner of a small farm, and that would be an indication that we are coming more and more to the small peasant type of farm, rather than the particular type we had under the homestead system. Has that occurred to you at all?

Mr. KLUMP. No.

The CHAIRMAN. Don't you think that is possible? If people can't live on the farms, can't invest in them, isn't that inevitable?

Mr. KLUMP. It would be better if they had less land and work it better.

The CHAIRMAN. What are potatoes worth in Michigan now at retail?

Mr. KLUMP. Why, I bought some the other day. I paid 45 cents.

Mr. RAKER. Forty-five cents for what?

Mr. KLUMP. Forty-five cents a bushel.

The CHAIRMAN. What do the farmers get for potatoes in Michigan?

Mr. KLUMP. I do not know.

The CHAIRMAN. They couldn't have got much this year?

Mr. KLUMP. I really don't know.

The CHAIRMAN. Well, now, potatoes don't sell in Detroit for 45 cents a bushel, do they?

Mr. KLUMP. No; I suppose you have to pay 60 or 80 cents.

The CHAIRMAN. In Chicago they are still more?

Mr. KLUMP. Yes.

The CHAIRMAN. In New York they are two or three times that?

Mr. KLUMP. I suppose so.

(The committee thereupon, at 3.50 o'clock p. m., adjourned to meet to-morrow, Friday, December 28, 1923, at 10.30 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Monday, December 31, 1923.*

The committee met at 10.30 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. Several matters have come in for the information of the committee. One is a letter addressed to Mr. Raker, of this committee, dated December 29, and signed by Mr. Furuseth, dealing with some matters that have not yet come before the committee and referring to a conference in the office of the Secretary of Labor about immigration bills which are being prepared in the department.

I saw the Secretary of Labor Saturday. He said that he has prepared a great mass of matter and that it is his intention to send it up here January 1 with a letter to the committee concerning all of the paragraphs and also suggestions for proposed restriction of immigration, for the use of the committee. While it is called by him a bill, it will be a tentative proposition to be considered by the members and worked into a bill that the committee will bring out.

Mr. CABLE. He told me that certain members of the committee were trying to pigeonhole this bill.

The CHAIRMAN. He said to me that he had been informed that I myself had said that I would throw his bill into the waste basket.

Mr. CABLE. He mentioned my name with yours.

The CHAIRMAN. All suggestions made by the Secretary or anybody else received here will be fully considered.

Mr. CABLE. I think the Secretary ought to come down here and testify.

The CHAIRMAN. The Secretary will be invited.

Mr. RAKER. So that the record may be straight, I offer the following proposal for the consideration of the committee.

The CHAIRMAN. Wait just a moment. If there are no objections on the part of the committee, a copy of the letter from Mr. Furuseth to Mr. Raker dated December 29, will be held to follow the appearance of the matter to which the Furuseth letter appertains.

Mr. RAKER. Mr. Chairman, just a moment. I have prepared here an offer, and present it to the committee so that it will be under consideration. It is practically the same as heretofore offered to the committee and which at one time the committee adopted and which was then taken out of the bill because of the closing days of the session. We thought there might be some controversy before the House and that it would possibly be better to leave it out for the time being with the idea that it would come in in a separate bill.

Mr. Furuseth has presented his views in writing so that they could be considered. It is a separate and distinct matter relating to the landing of seamen, and I would like, Mr. Chairman, to let the proposed amendment be printed and then have Mr. Furuseth's letter follow it. We will have it printed for the benefit of the committee, so that it might be considered by the committee and the members of the various departments who appeared here at that time. None of them made any objections, but were in substantial agreement that it would bring about a proper administration of the law. It does not

in any wise contravene what the Secretary of Labor could present, and if it does it then gives us further matter upon which to act.

The CHAIRMAN. Mr. Furuseth is present and some witnesses who agreed to be present this morning are not present. Why would it not be a good plan to dispose of several matters now on the desk and then hear Mr. Furuseth on the provision relating to alien seamen, introducing all of this matter at that time?

Mr. RAKER. That is satisfactory to me.

Mr. CABLE. Mr. Miller is here and can be heard.

The CHAIRMAN. The committee has received copies of the minutes and recommendations of the interstate conference on immigration held in New York City on October 24, 1923, which was a conference of the members invited by the New York State Hospital Commission and presided over by Dr. Spencer L. Dawes.

Mr. Box. Mr. Chairman, in connection with that I want to submit the matter about which I interrogated the witness, Doctor Gottlieb, the other day.

The CHAIRMAN. You may do that after this goes in. The letter from Doctor Dawes is as follows:

NEW YORK STATE HOSPITAL COMMISSION,  
New York, N. Y. December 20, 1923.

HON. ALBERT JOHNSON,

Washington, D. C.

MY DEAR MR. JOHNSON: I am handing you herewith minutes of a recent conference on immigration called by the New York State Hospital Commission and participated in by 10 States. I trust that you will find time to look these minutes over, and especially the resolutions adopted unanimously by the conference, and at the same time see your way clear to supporting the resolutions referred to.

I am, respectfully yours,

SPENCER L. DAWES, M. D.,  
Medical Examiner

Mr. Box. That is rather an extensive pamphlet to put in the hearings. I have read a part of it and glanced through the rest of it.

The CHAIRMAN. I will withdraw it.

Mr. RAKER. I had the pleasure of reading it, since I got a very delightful letter like the chairman received, and every resolution that was passed is full of merit.

The CHAIRMAN. Let me read this much. Doctor Dawes was made chairman. [Reading:]

The chairman discussed at length laxity of enforcement based upon a study of the records and on personal observation. He stated he had seen immigrants passed as mentally and physically fit to enter the United States at the rate of eight a minute. He cited the testimony of a reporter of the New York Tribune who had seen 540 aliens passed at that same rate.

Passing to "bond cases" he said that during the last fiscal year there were admitted under bond to the United States at Ellis Island, 4,724 defective aliens who were excluded under the immigration law. This means that a bond was given, frequently with a false surety, which can never be prosecuted. The records of the Federal Government show that 65 per cent of those bonds are violated; these cases are spread all over the United States. They land in New York State—the board of charities takes care of them, the commission for mental defectives, etc.—they get to the State of Washington, to Illinois—they were admitted mandatorily. Washington, D. C., said they should be admitted.

During the same year 2,712 defective aliens were allowed to enter without bond. Ellis Island said they must not come in—they were defective. Of 12,976 other aliens found to belong to the excluded classes by medical officers at

Ellis Island, 12,305 were permitted to enter by direct order from Washington—nearly 20,000 in all of the mandatorily excluded classes were permitted to enter the United States during the year.

About 1,750,000 aliens were examined at the detention pen at Ellis Island in the last four years; that is, there was an average of 1,200 of these people entered through the detention pen per day. How much examination did they get at that rate? There were a few competent high-grade medical men to examine 1,200 a day for a period of four years. How far did they get in these examinations? How far do they get to-day when they come in bunches? Commissioner Curran at Ellis Island very proudly points to the fact that he gets through so many thousands a day when a big bunch comes in because of the quota; he is very properly proud of it. However, there is no increase in the medical force down there. How fast are they examined now? Probably at the rate of 10, 12, or 14 per minute. In addition to this we have aliens smuggled across the borders from Canada, Mexico, but worst of all, from Cuba over into Florida—Chinamen in bunches who are being shipped down to Habana. Those are the conditions which exist regarding immigration to-day.

Mr. Box. The facts show that of those defective and certified only about one-tenth are in fact excluded. I will put in the official statistics. I will get them from the official records and submit them.

The CHAIRMAN. We have had that trouble continually. From the time of the enforcement of the 1917 immigration act, the wording of which act is such that it permits the admission of certain cases under bond, it was stretched during the war, of necessity, and has been stretched ever since.

Mr. Box. And is stretched much more now than it ever was before. The figures will show. It has been stretched too much all the time.

The CHAIRMAN. The committee should know the facts in the preparation of this item of the bill, which prevents the starting to the United States of those who are defective.

Mr. RAKER. If it is shown that those who actually come in are getting in because the law is being violated, and it is right at our own door, what can you hope from an examination abroad? We are confronted with a very bad state of affairs, to say the least, at our own doors.

The CHAIRMAN. What is your plan?

Mr. RAKER. The plan is easy. I do not want to take up the time of the committee now, but it can be easily remedied.

Mr. Chairman, in connection with this same pamphlet, for the consideration of the committee I would like to have printed the conclusions of this commission which starts, "To aid in bringing about the following changes in the immigration law." They have set out here from (a) to (h), inclusive, some suggestions, and I ask that they be printed in the record, because they all have meat in them and they all are worthy of consideration.

The CHAIRMAN. Without objection, the conclusions, beginning with (a), on page 15, and concluding the pamphlet, may be inserted in the record at this point. The part of the pamphlet that has been admitted now deals with the desire, led by officials of New York State, joined in by others, to have the expense of the care of defective aliens in the various asylums placed upon the United States rather than upon the States.

Mr. RAKER. That is only and on condition that the Federal Government fails to perform its duty, fails to properly examine the aliens and lets them in contrary to law. When that is done, then they claim the Federal Government should be responsible and take care of them instead of the States, Mr. Chairman.

(The matter referred to is as follows:)

(3) To aid in bringing about the following changes in the immigration law:

(a) Regarding warrants of arrest, providing that they shall be issued upon the order of the commissioner of immigration of the district in which the alien is a public charge.

(b) Providing that the Secretary of Labor shall give due notice, with an opportunity to be heard either in person or by letter, to the department or officer issuing the certificate before a warrant either of arrest or of deportation is canceled.

(c) Regarding the examination of aliens, that there shall be provided as a prerequisite to the granting by an American consul of a visé to the emigrant that he shall present a medical certificate on a blank provided by the Commissioner General of Immigration embodying personal and family history and certifying that the emigrant is not of the excluded classes, and made by a physician in the employ of the transportation company which would bring him to the United States; providing a fine, based upon the cost of transportation, of not less than three times such cost and leaving in the law the provisions of sections 9 and 19.

(d) Regarding alien seamen, providing that they shall be admitted and deported under the same conditions as other aliens, not only as to time in the United States but as to hearings.

(e) Regarding stowaways, providing that there shall be no time limit as to deportation when they are public charges.

(f) Regarding geographically excluded aliens, providing that they, excepting those specifically exempted, may be deported at any time and without verification of landing when they are public charges.

(g) Regarding admission under bond, providing that no aliens belonging to the class of mandatorily excludable aliens suffering from "idiotcy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, or chronic alcoholism" shall be admitted under bond and in any other case admitted under bond the amount shall be not less than \$5,000 and a surety company bond.

(h) Regarding time of deportation, providing that an alien proved to be a public charge may be deported at any time when deportation proceedings have been commenced within five years after entry and that for the purposes of the law the "commencement of proceedings" shall be the request for a verification of landing by a responsible officer of any State.

It is the opinion of the committee that the States should be reimbursed by the Federal Government in the case of alien public charges from the day of their admission to a State institution where it is proven that the alien is in the United States contrary to law and at a rate of not less than \$1 per day.

The committee further advises that where failure to deport is due to laxity or negligence on the part of the Federal Government the latter should remove the alien to a Federal institution.

That the failure on the part of Federal officials to obey the law should be ground for prosecution for malfeasance in office.

The conference then adjourned, subject to call by the president.

Mrs. ELIZABETH CLOONAN, *Secretary*.

The CHAIRMAN. That whole matter runs to paragraphs in the Burnett Act of 1917, and I think most of the members of the committee joined in the amendment. It has been the hope of the committee. I believe, that we prepare a bill which shall continue or perfect the present quota law and follow that work with an effort to make amendment to the Burnett Act to do away with the existing provisions by which persons are admitted.

Mr. RAKER. Mr. Chairman, there came to my desk this morning a paper called the Newcomer, dated December 29, 1923, published in Chicago, Ill. It has an editorial by Cairolì Gigliotti, D. Sc., LL. M., editor and publisher, regarding the foreign-language papers. It is so illuminating and shows the attitude of this foreign editor, who is now a citizen of the United States, against the foreign-language papers and the attitude they are taking that I think at



this time it ought to go in the record as a permanent document. When these other foreign editors come let them meet it if they can.

Mr. CABLE. Is he coming also?

Mr. RAKER. I do not know.

The CHAIRMAN. An invitation was extended to him, and I have forgotten whether he was able to accept the given date or not. What is the fact as to that, Mr. Clerk?

The CLERK. Thursday morning, January 3.

Mr. Box. That is, the Chicago editor?

The CLERK. Yes, sir.

The CHAIRMAN. If there is no objection, the editorial will go in. (The editorial referred to is as follows:)

#### HOW TO DESERVE GRATITUDE.

The traitorous foreign-language press is obeying orders from its foreign rulers. In fact, it is casting abuse and criticism upon the United States of America only because the United States of America are attempting to protect themselves against undesirable foreigners. Some of the newspapers in the language of the gutter—the only language they know how to use or understand—claim that it is our humanitarian duty to open our doors to whoever desires to come here, regardless of our national needs or exigencies and irrespective of the qualifications of those so desiring admission into our country.

The United States of America are a sovereign country. They have their own views and their own program about foreign immigration and they are determined to carry them out regardless of the abuse or criticism heaped upon them. The patriots of the foreign-language press may take it or leave it, as they choose. We are not willing to take in the scum of the world. If we had any doubt about the qualifications of those who are striving to make of this country their temporary home, the nature and method of their defenders satisfy us that our course is for the best interest of this country.

We are agreed as to the need of further restrictions. We hate discrimination between races, and it is our sincere conviction that the manner planned shall never accomplish or bring about the result we are expecting.

It is our firm conviction that the best way to reduce immigration and to better the stock of newcomers is to raise the educational qualifications of the would-be immigrant.

Grammar-school education is the minimum we may require. And if we require it, the immigration we will get, regardless of its size, will be assimilable.

We have magnificent laws. But the majority of our citizens do not know how to obey or to respect them. We see illiterates transformed into political leaders only because they impose tribute on helpless immigrants and share it with dishonest police officials or public prosecutors.

Foreign settlements are an offense to hygiene and to the nostrils of the community. The reason is simple. The moment merchants are called on the rack by health authorities and ordered to clean up or shut up they go to the alderman of the ward to which they belong. He takes a hand in the matter, and sufficient pressure is brought to bear upon the honest official who has merely performed his duty in attempting to remove a nuisance and a danger to public health.

The majority of newcomers are illiterates. The so-called educational test which was enacted a few years ago has succeeded merely in forcing people to scribble their own name on a piece of paper whatsoever and to read a few words in some language. Such immigrants shall never be fit to become American citizens. Were we to submit our present naturalized citizens to a test, we would find only a few fully qualified to perform their duties as such.

We have opened our doors to the scum of the world. Our children have been forced to mingle in public schools with the children of ignorant or degenerate persons. Some of them have made money, because all criminals or unscrupulous persons make money in a country where temptations are much and conscience little developed. Contagious diseases are caught by contact, no matter how slight, with infected persons. And our children have been shown by suggestion or example the road leading to vice and ruin.

We have not been discriminating. Every person willing to come has found our hospitality generous. We have trusted mankind. When we have discov-

ered that the only being on whom our trust should be placed is God, we have tried to plan protective measures.

Foreign-language editors come here of their own volition. If they do not like our country, they are at liberty to move elsewhere. We will not shed any tears upon their departure. The same can be said of other people who have their thoughts in foreign countries. We have not requested them to come and will be exceedingly pleased if they should make up their mind to return to the place whence they came. Inasmuch as this country is such a bad place to live in, why do our critics and defamers insist in remaining here?

The majority of newcomers are ungrateful. They fill their aching stomachs in this country, amass wealth which they never dreamed of before, discard their rags for decent business clothes, surround themselves with comfort and prosperity, and then abuse this country that did not invite them and is not holding them here.

An educated person may learn the history and the customs of this country with less difficulty than any other. Giuseppe Garibaldi, the deliverer of Italy, Giuseppe Avezzana, one of her greatest patriots, and a good many others came to this country to indulge in manual work. They became loyal citizens of this country and its most enthusiastic propagandists. They knew what gratitude was and did their best to show it. The newcomers abuse this country the very day they succeed in securing prosperity and political and financial independence.

Our duty is to admit people having a general education sufficient to understand things. And a complete grammar-school education is the best qualification we may require of newcomers.

We favor registration as well. Those who do not like us may go back any time they feel like. If they remain here over six years without making of this country their own, they should be kicked out.

If this country is as bad as its enemies of the foreign-language press paint it, let them look for a better place to live in and leave the United States to those who are perfectly willing to take it as it is.

To be, or no to be. The question is old. And by placing it straight before our ignorant or dishonest critics, we believe we are performing a plain duty.

The United States of America are not organized for the benefit of the world, but for that of their own citizens. They have done alone more charitable and humanitarian work than the rest of the world taken together. But charity begins at home. Before we think of other people's children we should think of our own.

After all, we shall get no gratitude from those we have helped and continue to help to independence. May be, by forcing educational qualifications of the kind suggested, we shall secure the gratitude of those who have been helped, by means of their desire to immigrate in this country, to secure an education.

Within 25 years the entire world shall feel grateful to us because of our help to the cause of education and enlightenment.

The CHAIRMAN. We are ready to proceed with Mr. Furuseth.

#### STATEMENT OF MR. ANDREW FURUSETH, A REPRESENTATIVE OF THE INTERNATIONAL SEAMEN'S UNION OF AMERICA.

The CHAIRMAN. You have read the paragraph pertaining to alien seamen on page 25 of the bill H. R. 101?

Mr. FURUSETH. Yes.

The CHAIRMAN. It is called section 19. Have you some statements to make in reference to that?

Mr. FURUSETH. Yes, Mr. Chairman.

The CHAIRMAN. Let me read that first:

SEC. 19. (a) No alien excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed under this act providing for the ultimate removal or deportation of such alien from the United States. The failure of the owner, charterer, agent, consignee, or master of such vessel to detain on board any alien so employed

until the immigration officer in charge at the port of arrival has inspected such alien and issued to him a landing card, or the failure of such owner, charterer, agent, consignee, or master to detain such alien on board after such inspection or to deport such alien, if required by such immigration officer the secretary to do so, shall render such owner, charterer, agent, consignee, or master liable to a penalty not exceeding \$2,500 for each alien in respect to whom such failure occurs, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in the appropriate United States court.

(b) Section 32 of the immigration act of 1917 is repealed.

(c) No vessel coming to the United States with seamen among its crew not eligible to citizenship in the United States shall be permitted to depart, or shall be granted clearance, unless it has in its crew at least as many seamen not eligible to citizenship as the number of such seamen with which it arrived. Departure or attempted departure after clearance in violation of this section shall render the owner, charterer, agent, consignee, or master of such vessel liable to a penalty of not less than \$3,000 nor more than \$10,000 multiplied by the amount by which the number of aliens, not eligible to citizenship, in the crew at the time of arrival exceeds the number of such aliens in the crew at the time of departure or attempted departure; and such fine shall not be remitted.

Section 20 also deals with alien seamen. Do you want to discuss the first paragraph?

Mr. FURUSETH. Yes. The whole question begins, I think, at section 3 where you determine who is an immigrant and who shall come in and be considered as an immigrant. In section 3, the language used is as follows:

It shall include everybody except Government official, alien in the United States and alien in continuance transit through the United States and alien lawfully admitted into the United States who later goes in transit from one part of the United States to another and bona fide alien seamen, etc.

Mr. Chairman, the whole proposition as it comes from the Secretary, as it is found in their own bill and as it is found in nearly every bill so far, will result in turning the ships that come into the ports of the United States into prisons and the seamen who come in them into prisoners. It surely will be forbidden to come on shore. No nations have done that up to the present except for the purposes of health, that is, quarantine, and in times of war. The whole idea, Mr. Chairman, is so cruel and inhuman as to be positively indecent.

The CHAIRMAN. Are you talking about the bill just read?

Mr. FURUSETH. I am.

The CHAIRMAN. In what way is it cruel?

Mr. FURUSETH. Because a man comes into the port of the United States. He does not know he is coming there. The majority of seamen who come into ports of the United States never know they are coming there. They ship on board a vessel in a foreign country to go from the port to some other port named, thence to any port or place that the master or owner may direct and then to be paid off at the port in the country where the shipment took place.

The CHAIRMAN. This section 19 requires the sailors to be retained on board until after they have been inspected.

Mr. FURUSETH. Yes.

The CHAIRMAN. Isn't that all right?

Mr. FURUSETH. As far as being retained on board until inspected, that is perfectly all right. There is nothing the matter with that. That ought to be done.

The CHAIRMAN. Section 32 of the immigration act of 1917, which intended to do that and does not quite do it, is repealed.

**Mr. FURUSETH.** That is all right. The shipowner brings the man here, not at the man's solicitation. He comes into the port and the shipowner will take care, as he has in the past, to see that when he comes into the United States that he has got people on board the ship that will not, under these provisions be permitted to land at all unless they put up a bond to maintain their status. No bona fide seaman can put up any bond. All a bona fide seaman has in the world is perhaps a few dollars, which, under the laws of the country, he is not permitted to draw except at the captain's authorization. So that as a result of this, you put a premium on manning vessels of every nation that come to the United States with men that are prevented from landing in the United States.

**The CHAIRMAN.** What is your plan?

**Mr. FURUSETH.** Well, my plan is this: Leave those who are permitted to land, those who are not racially or mandatorily excluded from the United States, to come in the vessels and then examine them as to their health and give them, if they desire it, landing cards.

**The CHAIRMAN.** That is exactly what this first section does.

**Mr. FURUSETH.** Yes; but the section there provides that the Secretary of Labor of the Commissioner of Immigration may insist upon bonds. Now, manifestly a bona fide seaman can not put up a bond. Nobody but the scoundrel, who comes here on the pretense of being a seaman will be able to put up a bond, and the bonds will, invariably, be forfeited. So that this bonding proposition amounts to nothing more or less than a head tax upon undesirables. It is true that there is a great leakage in the immigration system through the fact that the seaman can leave a vessel in the United States. Coming into a port of the United States, he is not compelled to remain on the vessel. He can quit her altogether, if he wants to. As a result, vessels have brought in more people than they ought to bring. Every nation provides certain regulations as to a minimum number of a crew, but leaves it to the shipowner to take as many men as he may want to. When a man is refused admission to the United States, he is taken back and then ships as a seaman. He then gets into the United States. They bring, sometimes 20, 30, 40, or 50 Chinese, for instance besides the proper crew.

**The CHAIRMAN.** Mr. Furuseth, these provisions under section 19 you think are all right?

**Mr. FURUSETH.** As to examining seamen and giving landing cards, that is all right.

**The CHAIRMAN.** Section 19 requires the commander of the ship to hold these sailors until they can be examined.

**Mr. FURUSETH.** That is perfectly all right.

**The CHAIRMAN.** Section (c) deals with crews not eligible to citizenship.

**Mr. FURUSETH.** That does not provide a bond. It provides really a tax.

**The CHAIRMAN.** Section 20 provides for the issuance of landing cards with a photograph thereon and paragraph (b) of section 20 provides for finger prints to be placed on the landing card. The other paragraphs deal with that. Is there anything said about the bond?

**Mr. FURUSETH.** You will find in the bill, if you will look it up, the Secretary's authority to obtain a bond is unquestioned.

Mr. Box. Can you refer to the section where that is?

Mr. FURUSETH. The changing of the status.

Mr. VAILE. What page is that, Mr. Furuseth?

Mr. FURUSETH. That is what I am looking for.

Mr. VAILE. Just what is that changing of status?

Mr. FURUSETH. That changes the status of everybody.

Mr. Box. Look at section 14 for this bond matter, page 19. I do not know whether that is what you have in mind or not, the maintenance of exempt status.

Mr. FURUSETH (reading):

The admission to the United States of aliens, excepted from the class of immigrants by clauses 2, 3, 4, or 5 of section 3, or declared to be a nonquota immigrants, by subdivision E or G of section 4, shall be for such time as may be by regulations prescribed, and under such conditions that may be by regulations prescribed, including, when deemed necessary, the giving of cash bond.

The CHAIRMAN. If a sailor leaves a ship and desires to change his status, should he not be required to give some evidence to the Government that he is honest in his desire to change his status.

Mr. FURUSETH. When you provide first that he shall get a landing card, and that he may be a certain time ashore, if he remains on shore longer than he ought to, I have no objections at all to applying to that some part of Mr. Cable's bill to punish him by deportation or otherwise, as much as you like, whatever is decent and reasonable, but we are beginning this thing at the wrong end. Mr. Chairman.

Isn't it the proper thing, or wouldn't it be a more proper thing, to penalize the one who is guilty? No shipowner or other man can come to the United States, except upon certain conditions, and amongst those he gets a passport that is viséd by the consul under certain conditions. Thus he comes here and he can not come here in any other way. His son may come here the same as his father may come, but if he will stay here in school or travel or anything else, he will have to put up bonds to see that he does not change his status, but that shipowner, if you please, who owns 50 vessels, or any number, who wants to, may man every one of those vessels with men who have no right in the United States under the laws; he may take them within the jurisdiction of the United States, and give the owner of the ship and the officers of the ship, and the seamen an opportunity to combine, or, not to combine, but gets men ashore.

The CHAIRMAN. Suppose we take up the paragraph relating to those noneligible to citizenship.

Mr. FURUSETH. I would put it this way: You have before you there the suggestions I made to the secretary, which are that those who are eligible to citizenship shall be examined, shall be held until they are examined, and if they are sick, under the law, they are supposed to go to the hospital at the expense of the ship. If they are well, they could go ashore. They use this to violate the immigration law, and increase the population of the United States. The simple answer to that is that a ship shall take away at least as many as she brings. That would leave no additional people in the United States. There is a weakness to that, that she may take away those who are more desirable and leave those who are less

desirable. Why not make the owners responsible—say it is forbidden to bring to the United States a crew or members of a crew that under the law of the United States can not leave a port of the United States for certain reasons. If you do that and then take these men from him, and deport them at the expense of the vessel that brings them, it will become so expensive that he will quit that game. He will not bring them any more because it costs too much. If you want that law obeyed, you want to make it unprofitable to violate it. The shipowner and the ship officers are laughing at you gentlemen, about the way you are constructing these laws, or the ideas embodied in these laws. It is a joke to them, and they bring into the country 10 Chinamen, 15 or 20 Chinamen, absolutely prohibited from coming into the United States, and they bring them in and leave them ashore under the seamen's act and go away.

Mr. CABLE. Are they supposed to get any extra pay for that?

Mr. FURUSETH. Any man who can land a Chinaman in the United States in such way that he can mingle with his kind will get \$1,000. They pay \$500 to get into Canada and tear up the tax receipt and make their way across, carried over by somebody else. Why do they tear up a tax receipt, because they come from Canada, and the United States will put them back into Canada. If they had a tax receipt, they might possibly be put back to China.

Mr. RAKER. Suppose we go to section 20, on page 26, of Mr. Johnson's bill, division A? That you have no objection to?

Mr. FURUSETH. Section 20-A, "Upon the arrival of the alien," etc., "it shall be the duty"—that provides for a landing card. There is no objection to that.

Mr. RAKER. Subdivision B is practically the same, is the same as the bill heretofore reported. That you have no objection to?

Mr. FURUSETH. That provides for fingerprints, etc., and that shall be done under the regulations. I have no objection to that.

Mr. RAKER. I want to get this matter straight once for all.

Subdivision C; you have no objection to page 27?

Mr. FURUSETH. When he departs from the United States he shall deliver the landing card received to the captain of the vessel, and he shall surrender the card to the master of the vessel. I have no objection to that.

Mr. RAKER. Subdivision D of the same section: you have no objection to that?

Mr. FURUSETH. "Shall be printed on the paper": I have no objection to that, except I think for the benefit of the vessels, as well as the seamen, you have some vessels coming from the British possessions of North America into the United States which come and go. Perhaps they are twice a week into the same port of the United States or once a week, and they carry the same crew mostly all the time. I think in order to give as little trouble for the vessel as possible that you could let them keep their landing cards as long as they keep on sailing in the same vessel.

Mr. RAKER. It is the question of whether he is to have his landing card or return it, but the general principle you stand for?

Mr. FURUSETH. Why certainly.

Mr. RAKER. Now, subdivision E; you have no objection to that?

Mr. FURUSETH. That is a penalty on the shipowner. With reference to the penalty on the shipowner, the penalties for failing to keep him aboard, now, if you put the penalty for bringing him in—

Mr. RAKER. This is a penalty for bringing him in.

Mr. FURUSETH. It is a penalty for bringing him in. I have no objection to that, but when it comes to assessing a big penalty for not keeping him aboard, you have \$2,000 or \$2,500 and so on, and other bill has \$1,000, and I want to say this, that you have got to prove that the officers of the vessel or the master is connected with the man's leaving.

Mr. RAKER. What I am getting at is that to the sections of the subdivisions you agree; you believe in the steamship company being fined for violation of the law.

Mr. FURUSETH. I believe they should be compelled to be prevented from bringing any seamen into the ports of the United States who are not admissible to the United States, and then taking those men away from here.

Mr. RAKER. Those you have agreed to. I want to call your attention to section 19, which is practically the same with the one exception, as to the amount of the fine.

Mr. FURUSETH. As to section 19, just a moment.

Mr. RAKER. You have submitted in the letter of date December 29, 1923, proposed amendments whereby these inequities or injustices would be cured and the seamen protected, and the United States as well.

Mr. FURUSETH. Yes, sir.

Mr. RAKER. I will read it to you, and I want you to explain it to the committee, section by section. It is very short. Have you a copy of it?

Mr. FURUSETH. No; but I know it pretty well.

The CHAIRMAN. Why couldn't you submit copies to the committee?

Mr. FURUSETH. I did not have any more copies. I am a poor man and can not afford to make very many copies.

Mr. RAKER. Here is the original letter. I want you to explain each subdivision, and then we will hope once for all to get this disposed of. You suggest the following amendments to the legislation:

Any alien person eligible to citizenship in the United States coming to any port of the United States as a bona fide seaman member as part of the crew of any vessel shall be permitted to land in the United States temporarily under the act entitled "An act to provide for the treatment in hospitals of diseased alien seamen, approved December 26, 1920, or in pursuit of his calling as such seaman," such seaman shall be examined at the request of the officer in charge of seamen, and if found temporarily admissible to hospital treatment, or in pursuit of his calling, shall be furnished with a landing card or certificate as may now or hereafter be required by law or regulation.

Have you any further explanations to give the committee on just what that means now?

Mr. FURUSETH. Well, I think it fairly well shows.

Mr. RAKER. There shall be an examination, and if he is found not to be diseased he shall be given a landing card or certificate.

Mr. FURUSETH. Yes, sir.

Mr. RAKER. Provided that no vessel the crew of which were engaged without the jurisdiction of the United States, and which is

bound to a foreign port or place, shall be permitted to depart from any port of the United States unless such vessel's crew is equal in number with the crew which such vessel had on her arrival.

Mr. FURUSETH. That means that a vessel coming in here with a crew of 120 men, or, for instance, 15 in the crew, whatever it is, when leaving she has got to have at least as many as she brings.

The CHAIRMAN. What do you mean by "leaving"?

Mr. FURUSETH. By leaving any port of the United States.

The CHAIRMAN. At time of granting clearance?

Mr. FURUSETH. At the time of granting clearance, and to see, by the way—she must have them in time of granting clearance—and at the time of leaving.

The CHAIRMAN. So, if three men should strike and go off ship that ship could not depart. Is that true? If three men should leave out of a crew of 120 after clearance has been granted, that ship would be unable to leave port?

Mr. FURUSETH. Until she gets three more men. In connection with any vessel that comes here, the trouble is not with a few men, with one, two, three men of the crew. The trouble is with 20, 30, 40, or 60 that the vessel brings to leave here, because there is money in it, because it is profitable. Now, as far as holding the vessel, she is not supposed to leave under existing law. She is not supposed to leave the United States at all unless she has got the proper crew that she ought to have, and unless those men, 75 per cent of them in each department of the vessel, can understand the language of the officers—if she has not got that, she can not leave at all.

Mr. RAKER. I want him to explain each subdivision to see what he means.

Mr. VAILE. As I understand it, Mr. Furuseth, you think the remedy is instead of requiring bonds from sailors, you think the remedy should be to penalize the vessel by prohibiting its bringing into a port of the United States any alien ineligible for admission as an immigrant, and as a penalty by deporting that immigrant at the expense of the vessel.

Mr. FURUSETH. Yes, providing for two exceptions, first, that the vessel comes in here in distress; secondly, is that the man on board the vessels are the nationals of the country to which the vessel belongs, then you can not do anything of that kind with them.

Mr. VAILE. Yes. Now, some aliens who are ineligible to admission are ineligible because of the quota law, not because they are individually subject to any exclusion, but because they are over the number. How would you attempt to remedy that? You would not require that the master of a vessel should have in mind our quota laws when selecting his crew?

Mr. FURUSETH. No, sir.

Mr. VAILE. How would you plan to meet that situation?

Mr. FURUSETH. I would leave the men—if the vessel knows; if the master and owner of the vessel knows that he has got to have as many men in leaving as he had in coming to the United States, and that he will have trouble and difficulty if he has not, he will stop carrying an excess crew to begin with. He will carry what he needs and then when any of the crew leaves, he has got to get somebody else in his place. John Smith leaves some vessel in New York, and he ships on another vessel, but it does not increase the population.



**Mr. RAKER.** In answer to Mr. Vaile's question, I would like to have it plain, as he suggested the matter: I do not think Congress under that provision, if it does we ought to know it—the seamen are included in the quota, and, therefore, if there are 1,000 seamen on a vessel, and they are needed and proper and there are certain nationals the nationality of which the quota has been exhausted, it would not prevent these seamen from landing, if they are otherwise admissible, and they are landing as seamen in pursuit of their calling.

**Mr. FURUSETH.** That is true.

**Mr. VAILE.** And would not prevent their staying.

**Mr. FURUSETH.** It would not prevent their staying for the time being, but John Doe comes and Richard Roe goes, and you do not increase the population at all.

**Mr. RAKER.** If John Doe abandons his calling?

**Mr. FURUSETH.** Then he can be deported.

**Mr. RAKER.** Then he can be deported, can he?

**Mr. FURUSETH.** Certainly he can.

**Mr. VAILE.** Here is what is going to happen: You just said that the ship masters get a premium for bringing in aliens otherwise inadmissible as immigrants, by bringing them in as sailors. Suppose the quota for Spain is exhausted. Some Spaniard desires to get in, and they are willing to pay the master to bring them as sailors, in order to leave the ship. He brings 20 Spaniards. He complies with the law by taking back 20 Scotchmen.

**Mr. FURUSETH.** Just wait a minute, please. Is it a Spanish vessel you are talking about?

**Mr. VAILE.** In a way.

**Mr. FURUSETH.** If it is a Scotch vessel and Spanish seamen, that is covered in the second proviso. That is covered later.

**Mr. VAILE.** Suppose it is a vessel of either country?

**Mr. FURUSETH.** Suppose it is a Spanish vessel, so, then he will have to carry away as many seamen as he brings.

**Mr. VAILE.** Spaniards?

**Mr. FURUSETH.** Not necessarily Spaniards; wait a minute. If you were a seaman and knew something about seamen's life, you would know there is not one Nordick in five hundred that will ship on a Spanish ship. On a French ship or any other ship I will tell you—the Nordick vessel will use the Spaniard, the Portuguese, the Greek, and Italian, because he is a smuggler, but not vice versa.

**Mr. RAKER.** Under the law to-day if a ship brings in a thousand seamen, there are part Spaniards, part Chinese, part Japanese, part French, part English, and part Scotch, those men under the present law can all get off the ship.

**Mr. FURUSETH.** Certainly.

**Mr. RAKER.** And the ship owner can turn around and leave the port of the United States with but 500 seamen.

**Mr. FURUSETH.** Absolutely.

**Mr. RAKER.** And all new seamen, and different from those he brought.

**Mr. FURUSETH.** Yes; that is correct, sir.

**Mr. RAKER.** And under the law as it now stands, with the landing card, isn't that the proper method or means to gather up the

1,000 who have abandoned their calling as seamen, and that therefore are permitted to remain in the United States? Isn't that the condition?

Mr. FURUSETH. That is correct.

Mr. VAILE. Mr. Furuseth has diverted his answer to my question by asserting what is true, that Nordicks will not ship on vessels from Spain or Portugal. What under your proposed system is to prevent a master of a ship, who has brought a number of seamen inadmissible only because they are over the quota, from taking back an equal number of seamen from a country whose quota is not yet exhausted?

Mr. FURUSETH. The seamen does not under the proposal that I bring come in the quota at all, because the seaman will not increase the population of the United States at all.

Mr. VAILE. He will if he stays.

Mr. FURUSETH. Well, I am providing that he will not increase the population, because if they carry a crew, she must carry the same number back as she brings.

Mr. VAILE. They do not need to be of the same country?

Mr. FURUSETH. Oh, no, they do not need to be of the same country. That is dealt with in the second proviso.

Mr. VAILE. It will not increase the population, but that is not the only purpose of this bill. Our scheme is to have the population increased by quotas from certain countries. Your scheme answers that proposition.

Mr. FURUSETH. I am saying this to you, and my answer to your proposition is found in the second proviso and in the third proviso.

Mr. RAKER. Under the present law if the quota from Spain is exhausted, and the vessel comes with 1,000 seamen of that nationality, of which the quota is exhausted, that entire thousand seamen can land in the United States and not go back on that vessel.

Mr. FURUSETH. Certainly; that is correct.

Mr. VAILE. Or at all.

Mr. FURUSETH. That is not the contemplation, not at all; but there is another cure for that.

Mr. VAILE. Under the present law, if it was enforced, all seamen, landing as seamen, in pursuit of his calling, if at the present time he abandons his calling, he can be arrested and deported, can he not?

Mr. FURUSETH. Certainly.

Mr. VAILE. But that law is not being enforced, but there is not enough provision to carry it properly out.

Mr. FURUSETH. That is correct.

Mr. WATKINS. I will ask this question in connection with what the chairman suggested under your proposition: Would not the ship or shipowner be at the mercy of the striking seamen?

Mr. FURUSETH. There is a bare possibility that we may have some trouble on that account. There is no doubt at all about that. There is a bare possibility that he might have, because men may ship in the vessel and leave in the vessel at the last minute, but he can do that now and, aside from that—

Mr. RAKER. Under the present law the vessel can come with 500 sailors and leave with 250.

Mr. FURUSETH. Yes; or 200.

Mr. RAKER. Of 200, and in addition to that, they violate the present seamen's act regarding the vessel leaving with the proper quota.

Mr. FURUSETH. Yes, sir.

Mr. RAKER. But under the proposed regulations, proposed subdivisions you first discussed, the vessel, if it comes with 1,000 seamen, demonstrates by coming with that many seamen that it is necessary for them to have them, and it must leave with 1,000 seamen.

Mr. FURUSETH. Exactly.

Mr. RAKER. So that would eliminate this effort of bringing twice as many or one-third as many, or 100 more seamen than the vessel needs, and leaving them in the United States.

Mr. FURUSETH. She shall take away as many as she brings.

Mr. HOLADAY. Is there any possibility that an outgoing ship by reason of having a different load, a different kind of merchandise, would require a smaller number of seamen?

Mr. FURUSETH. Not at all.

Mr. HOLADAY. The number of seamen remains the same?

Mr. FURUSETH. Yes; absolutely nothing to do with it.

Mr. RAKER. If that was the fact, then the vessel could come fairly well loaded with Chinese, Japanese, or Hindus as well as sailors, who sailed for that particular trip, take a smaller cargo back, and make hundreds of thousands of dollars by bringing those in who are not eligible to land. Would not that be true?

Mr. FURUSETH. Certainly, Mr. Raker.

Mr. RAKER. That would be a plain, open violation of the law, as it exists on the statute books, would it not, Mr. Furusetth?

Mr. FURUSETH. What they are doing now is plainly a violation of the law. It is something that no one ever thought possible. The regulations of the Spanish Government or the Greek Government are that there should be so many as a minimum crew on the vessel.

Mr. RAKER. You are quite familiar with the laws and rules and regulations and methods of the foreign governments relative to leaving the vessels of their own home ports, are you not?

Mr. FURUSETH. Certainly.

Mr. RAKER. Tell the committee whether or not these foreign governments require the vessels that leave their port to leave with a full complement of crew?

Mr. FURUSETH. They can not leave at all unless they have a full complement.

Mr. HOLADAY. There is no maximum?

Mr. FURUSETH. No maximum, and consequently they can take as many as they want and more. They say, "The minimum necessary for the protection of life and property at sea is so much."

Mr. RAKER. In other words, they are attempting to come in with the maximum number of people, or more than they need, and then leave, if they can, with the minimum.

Mr. FURUSETH. With the minimum, or less. That is exactly what they do, and it is done with the deliberate purpose of leaving them here.

Mr. RAKER. Would it be a detriment to commerce to enforce this provision as you have suggested?

Mr. FURUSETH. Not in the slightest degree, and no nation could complain about it because they are all treated alike. We are simply assisting them to see that their laws and regulations are obeyed.

Mr. RAKER. Mr. Furuseth, referring to the second proviso, which which reads as follows:

That it is hereby unlawful for any vessel to come to a port of the United States, except in distress, with a crew which, under the laws of the United States, is not permitted to depart on the same vessel from any port of the United States and such crews or such members thereof shall be taken into custody by the immigration officer in charge and shall be deported as passengers on some other vessel to the place of their shipment, at the expense of the vessel by which brought, and such vessel shall not be given clearance until this proviso is complied with—

Explain to the committee what you mean by that. What would be its effect?

Mr. FURUSETH. Under the maritime law which was passed as the result of repeated disasters at sea, beginning far back, or going to the head of the list, the *Titanic*, and the vessels that followed afterwards, it was realized by Congress at the time that the man who does not understand orders on shipboard is a very poor man to have on shipboard in case of distress. We had a vessel out of San Francisco manned with Chinese, the *City of Rio de Janeiro*, and practically everyone was lost on board the ship right at the entrance to San Francisco, for no other reason except that the officers and the men did not understand each other, and the vessel as a result lost her limitation of liability, and there was a very important decision handed down by the Court of Appeals, and a writ of certiorari was taken to the Supreme Court of the United States and denied. That was a typical case that brought about this provision in the law that on board of a vessel there must be, at least 75 per cent of persons employed in each department who understand the language that is usually used on board the vessel and can obey any order that is given. A vessel that is not manned in that way, whether she be an American vessel or a foreign vessel, is not permitted under the law to leave a port of the United States. I want to say to you gentlemen that law has not been taken notice of. It has been more honored in the breach than in the performance.

The CHAIRMAN. What would be the effect of it?

Mr. FURUSETH. The effect of that would be this situation: Suppose a Spanish vessel would come here with Spanish men, or a Greek vessel with Greek men.

The CHAIRMAN. That is the law now.

Mr. FURUSETH. No; it is not. An English vessel would come here with men who speak English, if this law was carried out. She would not bring the men here, because she could not go away with them, because she comes in here with all kinds of people and leaves them here and violates the immigration laws in this way, and then she goes away with somebody that she picks up. The purpose of this is that when the immigration officer goes on board of a vessel—and he has got to go on board under the existing law on every vessel that comes into a port of the United States—he must examine the crew man for man. It puts no additional labor upon him and no additional expense upon the United States to note down and put two more lines on his report, to note those who can understand the language and

those who can not. If she brings this kind of men in she ought to be penalized for it, because she does it in violation of the laws.

Mr. RAKER. Those men would not be permitted to land.

Mr. FURUSETH. Those men would not be permitted to land.

Mr. RAKER. In other words, if a Spanish vessel had on 100 Spaniards—

Mr. FURUSETH (interposing). And 900 Syrians.

Mr. RAKER. Yes.

Mr. FURUSETH. Or Arabs or Mohammedans or Italians or Greeks or English, for that matter.

Mr. RAKER. They would not be permitted to land.

Mr. FURUSETH. If she had that kind of people, under this proviso they would not be permitted to land or to remain in the harbor.

Mr. RAKER. Yes.

Mr. FURUSETH. They would be taken by the immigration authorities, and at the expense of the vessel they would be brought or sent back, not on the same vessel, but some other vessel, at the expense of the vessel that brought them.

Mr. RAKER. Would it be a hindrance to commerce?

Mr. FURUSETH. None at all. Let me say what they are doing now; what they did before these laws were passed. There were certain kinds of people who could not come in ashore in the United States; that Chinese shipowners or Holland shipowners, or English shipowners, Norway, Sweden, Denmark, and the United States manned the vessel exclusively with the kind of people that could not land, and so, as a result of that, not a white man would have employment on this vessel, and therefore such a thing as that tends distinctly to destroy any possibility of the United States developing any personnel, any sea power of her own, or any merchant marine of her own.

Mr. RAKER. Would it be a disadvantage to the English vessel, supposing it had 900 Englishmen and 100 Japanese, to say that that vessel should not land?

Mr. FURUSETH. Under the third proviso and as the bill reads nobody can come into the United States unless he be a citizen of the United States. Under the third proviso the 100 Japanese would promptly be taken in charge by the immigration officers and be sent either to the country from which they were brought or returned at the expense of the vessel bringing them.

Mr. RAKER. Under the second subdivision would that be in conflict with the seamen's act at all?

Mr. FURUSETH. Not at all.

Mr. RAKER. Let us take up now the third proviso.

The CHAIRMAN. If an American ship came in with 75 sailors and 30 Filipinos, what would happen?

Mr. FURUSETH. An American vessel comes in with 75 in the crew, 30 of whom are Filipinos. Under the existing law if these Filipinos can understand the language of the officers they would be covered, even if the law was carried out, and if the law was carried out if they can not understand only 25 per cent of the ship's crew could be men who can not understand. The result of that would be that the American vessel would carry white men.

The CHAIRMAN. We have that law now.

Mr. FURUSETH. No; we have not.

The CHAIRMAN. What is your percentage as to the requirements?

Mr. FURUSETH. They can carry anybody from anywhere, born anywhere, knowing no English, and they do not need to be citizens or anything else in the world.

Mr. Box. Can legally do it?

Mr. FURUSETH. Yes, sir.

Mr. Box. How? Does not the law require a certain percentage of their crew to be able to understand the commander? I understand that is not universal.

Mr. FURUSETH. We have examinations there of every kind, and if you were listening to one of the examinations you would go almost mad because they use in the case such lingo and some kind of gibberish that nobody can understand and such as is never used in the world, the same as the Chinese use pigeon English, and ask 100 different questions in 100 different ways so as to get an answer from them and permit them to stay.

The CHAIRMAN. You now say that we have such a law?

Mr. FURUSETH. Yes.

The CHAIRMAN. The La Follette seamen's act.

Mr. FURUSETH. Yes.

The CHAIRMAN. Then you indicate that it is not being successfully carried out.

Mr. FURUSETH. I say that; yes.

The CHAIRMAN. So it is your plan to have this immigration act bolstered up to an extent to make it enforceable?

Mr. FURUSETH. Not for the sake of the seamen's act or for the sake of the seamen, but for the sake of this country. I know how these people are brought in and why they are brought in and the temptation that there is for officers of vessels and shipowners to bring them in.

The CHAIRMAN. We have your previous testimony of that. You believe in restriction of immigration?

Mr. FURUSETH. I believe in restricting it; yes, sir. If I had my way, I would restrict it more than any of you.

The CHAIRMAN. If it was greatly restricted, then we would be able to find with less difficulty some of these surreptitiously arrived sailors without going through all that.

Mr. FURUSETH. As far as the men who come as seamen and who are really bona fide seamen are concerned, you do not need to have much real doubt about them. It is the people who come pretending to be seamen that you have got to deal with and that are the dangerous people here. They are first of all, you understand, included in this proposition, and no matter how you fix it the shipowner of every country, the United States included, is going to take on the men they are compelled to stay aboard. To the State Department every nation has been complaining about the seamen's act and about the fact that the men can leave in ports of the United States. They tried in every way they could to have us suspend that law or to minimize it. There is a stack of correspondence in the State Department. I saw a file that high [indicating] of it on that question. I saw it in the hands of Secretary Wilson. It was finally referred to him to answer those foreign countries—why they should not repeal or suspend or minimize that act. He answered it in a single sheet of paper, one side of one

sheet of paper, and that stopped for the time being, at least. Then they went at it in a different way, began to pick at our immigration law for the purpose of violating the seamen's act, and the seamen's act violating the immigration law, and they have done that with the deliberate purpose of bringing about a mental condition in the United States and in Congress under which it will be possible for them to get Congress to pass a law and under which the seamen will be compelled to be held on board the ships. What is the result of that? Equalization of wage passes away and the possibility of developing the merchant marine passes away with it; the difference of wages comes back? The thirteenth amendment to the Constitution of the United States provides that there shall not be involuntary servitude anywhere subject to its jurisdiction, but the harbors of Baltimore, New York, and San Francisco are certainly subject to its jurisdiction.

The case of *Robertson v. Baldwin* was before the Supreme Court, and the court held that the seamen had not the benefit of the thirteenth amendment. Congress did not agree with that and changed the law so as to make the seamen as free as other citizens of the United States. I know of very high class jurists who say that decision was an outrage and has got to be changed some day; and how will it be changed when the time comes? You have two laws operating with reference to the seamen; at sea the law of common hazard, where there has got to be discipline, got to be obedience, no matter how it is brought about, in the interest of safety of life and property. In the harbor the law of freedom can step in, and the distinction between a vessel at sea and at harbor will be drawn some day; so that I want to call your attention to this fact: That is, that proposition to put up bonds—to have the seamen put up bonds—it will be found that the seamen can not, and thus they become prisoners or are held in servitude. Somebody will start a lawsuit and will bring it right up to the United States Supreme Court. Not very long ago a Dutch vessel came into New York with about 50 Chinamen—going to fire them and pay them off. They were seamen and had the right to go, all right. But the Secretary of Labor said, "You can not do it unless you put up bond." It came before Judge Hough, and Judge Hough, in a decision that blisters the whole system, dismissed the people. He said, "What right have they to make prisoners of these men here in the United States within the jurisdiction of the United States?" I have never read such a thing in a judicial decision as that. He blistered it. Now, it is not a question simply of men here. It is a question of the vessels. Now, why shall not a foreign shipowner or American shipowner—why shall he be permitted to violate the law? Why shall he be given special privileges and special opportunities out of which he can make lots of money when nobody else is permitted to do it? Why should he be permitted to seek particularly in any port of the world that he happens to be the kind of men that he wants and bring into the United States and deliver them there as a result of some contracts or some arrangement through which he is making money? Why should he be authorized to go to a man who is an ordinary bona fide seaman and say to him, "I want a crew; I am going to South America." Say he is in England—an English ship going to South America; he gets a seaman who doesn't know he is going to the United States, has not the least bit of idea

about it, but the vessel comes here in due course of time, and here he stays on board the vessel and can not walk ashore, can not get shore leave. Can you think what that means, gentlemen? I lived in this condition and know what it means.

The CHAIRMAN. He can walk ashore under the present law and does.

Mr. FURUSETH. Under the present law he has a right to go ashore unless he is diseased and then he is put ashore to be cured.

The CHAIRMAN. Do you think the situation would be advanced in behalf of the seamen by transferring those clauses relating to the arrival of alien seamen to a separate bill and let it be handled on its merits?

Mr. FURUSETH. That is a question, Mr. Chairman, of framing the seamen's clauses the way they ought to be to fit in with the rest of the immigration system and take away all the special privileges and not let them do anything that any other can not do. If you can not have that in the bill, if you think that having proper seamen's clause is going to defeat the bill or prevent it from passing, we seamen do not want to stand in the way, if you leave the situation the way it is as to the seamen; of course, we would rather have that. But that is not the way I feel about it, as a citizen of the United States, and I did not become a citizen of the United States for any personal benefit to me. It was a long time before I took out citizenship papers. I was 14 years in the country before I became a citizen of it. I never used my citizenship for anything that many used it for. Men I sailed with took up land homesteads, timber claims, and handed them over to the shipowners, lumber owners in Washington; everybody around me did that kind of thing. I did not. I did not become a citizen until I had studied the country's Constitution and the country's condition, and had come to the conclusion that it was a country with which I wanted to cast my lot and to work for the benefit of the country. That is why I became a citizen, not for any personal benefit to me. I say to you as a citizen that it is a very bad proposition to be obsessed by this notion that a vessel is something so sacred that she can not be subject to the laws the same as anything else. I do not want any special privileges for the seamen except that he may come ashore as he can in other ports of the world.

Mr. RAKER. I understand from you that this legislation protects the seamen, but over and above and beyond all that—

Mr. FURUSETH (interposing). It protects the United States.

Mr. RAKER. Protects the United States?

Mr. FURUSETH. Yes. Now, if you have got to choose between the two, disregard the seamen; but for the love of Mike do not make him a chattel again.

Mr. RAKER. Let me read the third proviso.

Mr. Box. I understand, Mr. Furuseth, that the present provisions of law, which require that certain percentages of the crew be able to understand the commands of the officers in charge of the vessels are not properly enforced?

Mr. FURUSETH. Correct.

Mr. Box. What penalties are there concerning them?

Mr. FURUSETH. That the vessel shall not be given clearance.

Mr. Box. That is the only one?



Mr. FURUSETH. That is the only one.

Mr. Box. And yet that provision is not enforced?

Mr. FURUSETH. No.

Mr. Box. The provision in the clause to which you refer would require that if a vessel comes here from England having a great number of people of other nationalities—

Mr. FURUSETH (interposing). Spanish, Greeks, Italians, Hungarians, or anybody who can not understand the language.

Mr. Box. Who are not admissible under our immigration laws, that they would not have a right to land them, but the fact that they come into a harbor with such a crew as that would authorize our Government to take possession of all that crew, or of that portion of the crew which violates the law, and deport them at the expense of the vessel bringing them?

Mr. FURUSETH. Yes.

Mr. Box. If we do not enforce the present somewhat simple law—I will not discuss its merits—the only penalty is the penalty of refusing clearance; and if we do not do that little thing on what do you base the hope that we would go through those crews upon arrival of the ships and take those men off, detect them and take them off and send them back. I am talking about enforcement of it. Why do you hope that a new and more difficult law, more expensive to enforce, taking more attention, at least, would be enforced, when this law is not enforced? I want to know why you hope that.

Mr. FURUSETH. Because as it is now under the present law immigration officials must examine the men. Of course, there are instances in which they do not do it properly, but they are to examine every man and speak to each man individually in order to ascertain what there is about him. Then it provides there that when they find these people there they shall make an official report as they come in. The immigration official examines them and makes an official report to the Secretary or to the Commissioner of Immigration on one hand and to the Collector of Customs on the other. There is a square out and out public record that will put it up against the collector and the commissioner to try to have the law enforced. There is nobody wants this other law enforced except the poor devil, and when we go aboard a vessel to get proofs we can not get aboard; we are denied admission. Any one man who is on board the vessel and makes a report is asked: "What interest is that to you?" It is a job. Now, on the other hand, it is the officials who get the information and it will be coming so fast for a while that they can not help acting on it to some extent, at least.

Mr. Box. These crews will be made up usually of men of several different nationalities.

Mr. FURUSETH. Sometimes they will.

Mr. Box. They often will.

Mr. FURUSETH. They often will.

Mr. Box. Will not the taking of these men from the ship and the deportation of them require an additional force in the Immigration Service?

Mr. FURUSETH. No.

Mr. Box. Why not?

Mr. FURUSETH. No.

Mr. Box. Will not somebody have to accompany them?

Mr. FURUSETH. They would be taken to the immigration station or somewhere to be cared for until the first vessel goes. It would not need any more for the examination than they get now. They are ordered to the immigration station and when they are ready to go when the vessel is ready to go, they are put on board the vessel. I do not think it will cost more, but if there is an additional cost to the United States it is absolutely insignificant.

Mr. Box. They would not have to go into the custody of anybody?

Mr. FURUSETH. They would be in the custody of the immigration station.

Mr. Box. I mean after their departure from the immigration station.

Mr. FURUSETH. They would be taken from the immigration station directly on board the vessel that takes them away.

Mr. Box. And their delivery to where?

Mr. FURUSETH. Delivery to where the vessel is going. It might cost a little more to supervise, just a little, but it would not amount to anything, and then if you want to you can put an amendment to it to take the cost of that out of the party that brings the men in violation of the law, because he should be coddled. He comes here to violate the law and he knows he is going to do it. Why should we coddle him?

Mr. Box. Supposing a state of facts where a vessel from Japan brings a lot of Hindu sailors, not trying to land them, not trying themselves to violate our immigration laws, except as bringing them into the harbor does it, and we go before they offer to land and take half or two-thirds of their crew into custody and deport them. I am not speaking so much of our technical legal right to do it, but I am asking your opinion as to whether or not that would seriously interfere with their business, and we will say, in their unlawful way? Would not that cause such protest and confusion and such opposition even among the administrative officers of America as to make it difficult from the standpoint of its practical workings? What do you think about that?

Mr. FURUSETH. I can not possibly see that it makes much difference to do this additional duty. It is plain and simple and all the vessels have to do is to cut it out. There can be no difficulty about that. The immigration officer finds Japanese and Chinese in a ship or Hindus in a Japanese ship, or he finds that there are Malays. By and by when we get rid of the Philippines we will find Malays that can not become citizens of the United States under a Supreme Court decision. He finds them in the ship. Why does the Japanese ship use them? Because they are cheaper; that is why.

Mr. Box. Will not the fact that the foreign ship can get its labor cheaper, by employing the nationals of other countries, be the occasion of loud complaint because we interfere with their crews?

Mr. FURUSETH. Yes, from shipowners. There would not be any more complaint because you have here again the question of safety, and England herself will not allow crews to be shipped in England in an English vessel that can not understand the orders. They will not permit a vessel, English or foreign, to leave England unless she has sufficient of a crew under the regulations of Great Britain for

British vessels. They board a vessel and say to the captain, "No, you can not take this vessel to sea; you have got to get some more men." Or when they come to sign on, they say; "No, you can not take these people because these people can not understand your orders."

Mr. VINCENT. What governs the language that these 75 per cent must speak. Is it the language of the country that the captain lives in, or would the fact that he might be able to give orders in two languages broaden the number in the 75 per cent?

Mr. FURUSETH. If an officer aboard a vessel, whether captain or anybody else—say he is on an English vessel—speaks Hindu, that simply makes him an interpreter. They must understand the orders of every one of the officers. What would happen here?

Mr. VINCENT. So that the practical application of it is that if it is an English ship the 75 per cent must be English-speaking people?

Mr. FURUSETH. That is it exactly, and if Spanish, they must be Spanish-speaking people, and so forth. Of course, if the officers can give their orders in English or any other language and use that language on board a ship, they are using it habitually for the crew. But when a vessel gets in trouble—

Mr. VINCENT (interposing). You don't want an interpreter?

Mr. FURUSETH. You don't want an interpreter.

Mr. VINCENT. I can see that.

Mr. FURUSETH. You don't want any interpreter for a fire brigade in Washington City. The situation on board ship is worse than with a fire brigade because you can jump out of a building in Washington onto terra firma, but in a ship you go out and drown.

The CHAIRMAN. You have made a very good presentation. You would be satisfied if this provision was to the effect that foreign ships coming here should take away the same number of sailors that they brought.

Mr. FURUSETH. At least the same number.

The CHAIRMAN. That is the main provision.

Mr. VAILE. You do not want a bond applied to seamen?

Mr. FURUSETH. That would be a large improvement on the present situation.

The CHAIRMAN. You agree to the proposition in a broad way?

Mr. FURUSETH. Yes.

The CHAIRMAN. You want to have the landing card and identification as they now do?

Mr. FURUSETH. Yes.

The CHAIRMAN. You want them, if they are left here, to be sent back, at the expense of the ship that brought them, on another ship?

Mr. FURUSETH. If they are left here, the ship is gone and you can not find her and make her pay.

Mr. BOX. He wants to take them off the ship as soon as found.

Mr. FURUSETH. To take them off the ship. If they are not permitted to land here at all and they are brought here, they are here in violation of law, as the shipowners know.

The CHAIRMAN. We will assume that we took them off the ship. What, then, will you do?

Mr. FURUSETH. Send them back to the country whence they were brought or to their own country at the expense of the ship that brought them.

The CHAIRMAN. So your argument about freedom in port fades away.

Mr. RAKER. No; your seamen's bill has that provision now.

Mr. VAILE. But when he gets into port he may not be eligible to land as an immigrant.

The CHAIRMAN. Exactly; that is how I understand the bill.

Mr. RAKER. He loses his status as landing in the United States.

Mr. FURUSETH. He sacrifices his status and becomes like any other immigrant, and the moment he is out of the ship, in fact, in law he ceases to be a seaman, so that he then becomes an immigrant in the proper sense of the word.

Mr. VAILE. Your point is that the moment he steps ashore from the ship, no matter whether he intends to go back or not, from that moment he has in fact ceased to be a sailor, and as long as he is on shore he is not a sailor.

Mr. FURUSETH. As long as he is not any longer part of the crew, let us get a definition of what constitutes a seaman under the American law: Any person hired to serve in a crew of any American vessel.

Mr. VAILE. Of an American vessel?

Mr. FURUSETH. Yes, sir; and the same with every other vessel.

Mr. VAILE. So the contract of hiring must be in existence at this moment or at this moment he is not a seaman.

Mr. FURUSETH. Yes; that is the real fact of it. That is the real fact of that as the law reads. When you get up against the courts with this thing, he is a seaman while he is on board ship and a Chinaman the moment he steps on shore, or anybody else that is excluded, and so in order to prevent him from mingling in the population the shipowner says provision must be made to pay his fare back to whence he came.

Mr. VAILE. That will effectually prevent him mingling in the population because it keeps him on the ship.

Mr. FURUSETH. The shipowner keeps him on the ship and that is what he has got him for.

Mr. Box. Suppose the sailor is an innocent victim and he did not know he was violating the immigration law, and he steams out there with his vessel in the harbor, 500 of him, and without any fault on his part our immigration officers go out there and take 500 off the ship and send them back to China or Greece. What about the hardship there?

Mr. FURUSETH. The hardship on him in doing that is as nothing compared with the hardship upon him of being held aboard that ship. Besides he ought not to be given any special privileges, he is within our jurisdiction in violation of our laws, hence ought to be deported at the expense of the person who brought him.

Mr. REYNOLDS. Your main objection to the provisions of this bill is directed to the provision as to bond?

Mr. FURUSETH. Yes. Let me suggest something to you, gentlemen. It will not take me more than a moment. I was lying in the harbor after having been months at sea, could not get a cent of money, and while I was permitted to go ashore I saw fruit all around me and could not get a taste of it. I have been in a harbor where I could not go ashore because the ship was quarantined. Of course, that lasts only so long, but I have been in a position in which I swam

ashore, and alligators around at that. I know what this kind of a law is that you are trying to apply to seamen, and what it means, and if I was on board a ship, as I feel to-day—and I believe I am just about as law-abiding a human being as anybody on God's earth—if such a law were applied to me on board ship I would get ashore, gentlemen.

**Mr. WATKINS.** Before you go to the next section, you believe that the ship should be required to take away the same number of seamen that is brought in?

**Mr. FURUSETH.** Yes.

**Mr. WATKINS.** In order that there might not be a substitution for the nationalities, would you not go one step further and require it to take away the same number of the same nationality?

**Mr. FURUSETH.** That might be impossible. That is the objection to one of the sections here of the chairman's bill. He says a vessel bringing those ineligible to become citizens shall take away as many ineligible as she brings. How does anybody know—he or anybody else—that it would be possible for the vessel to get them? Men who come here for the purpose of beating the law and staying here are not going to go on board the vessel again, or any other vessel, unless they are taken by sheer force on board. So you can not make it the same, because that would be too great a hardship on the vessel and would be a hindrance to commerce, and it would furnish legitimate complaint from other nations if you did that. What I am trying to do here, gentlemen, is to get you to look at the law and adopt a situation that no nation can honestly complain of; that will stop the holes made by violation of the law. You make the immigration law into a sieve for the benefit of these people. I want that stopped, not as a seaman, but as a citizen.

**Mr. WATKINS.** But under this suggestion a boat could leave the Pacific coast with 100 Japanese and take some other nationality in place of them.

**Mr. FURUSETH.** No doubt at all that they could, but it is a very expensive amusement. The Japanese coming in a Japanese vessel would have a right to come, being the subjects of the Mikado, and in a vessel under the Japanese flag; and if any of these men leave under the American law, as it stands to-day, every one of them can leave, and the only reason they have not been leaving is because we ask them not to. We did not want them to leave until we had the Supreme Court decision that nailed down the right of the United States absolutely to pass such legislation. This was decided in the case of *Dillon v. Strathearn*.

Now, we have received that decision—in February, 1921—and in the month of May, 1921, we were attacked in such a way that we could not use it on the Japanese question. I can go on board a Japanese vessel to-morrow and take practically every man in the fore-castle and fireroom out of it. All I have to say is, "Come on, boys." That is the law to-day.

**The CHAIRMAN.** Have you that decision at hand?

**Mr. FURUSETH.** The Supreme Court decision? Yes.

**The CHAIRMAN.** Will you put it in your record at this point?

**Mr. FURUSETH.** Yes. I will put a quotation from it in here—*Dillon v. Strathearn*.

Mr. RAKER. The Robertson decision?

Mr. FURUSETH. No; that is the other decision.

(The decisions referred to are as follows—*Dillon v. Strathearn* and *Robertson v. Baldwin*.)

The CHAIRMAN. Proceed.

Mr. FURUSETH. This decision was given in 1921. It was an English vessel with an English carpenter who left the vessel down in Florida. He asked for his wages but didn't get them and then left and sued in the court for all his wages, and the vessel finally came to the Supreme Court of the United States with it. It was sent back to the court of appeals and then came up to the Supreme Court again and a unanimous decision in favor of the law was given, in which they said definitely and distinctly that there was not any question about Congress having power to pass such a law. It was a unanimous decision.

Mr. Box. That is the purpose of the present law.

Mr. FURUSETH. That is how the present law stands. You can make use of that. Why didn't we apply that? Because we did not know until then. Since that time we have not had the means or been able to do it for other reasons. But all the same, that law and that decision has increased the Japanese pay three times, so that now the Japanese seamen have about the same wages that are paid on the Atlantic coast to white men. That is the fact in this case. Suppose now that the men quit. The Japanese vessel would have to take a whole crew to bring the vessel back to Japan, a crew of the same kind. If the officers give their orders in English they can take an English-speaking crew, and that would be the situation because practically all of the Japanese officers speak English. Now, then, the crew would take the vessel to Japan and come back again as passengers, and be paid all the time, a thing that is so expensive that Japan would not want to think of doing that. The Japanese would do anything in reason and decency to prevent that. That is why they have increased wages three times to hold Japanese voluntarily on board their ships.

I want to say again that there is a provision in Mr. Cable's bill for a seaman who has changed his status and penalty for it; that he should be punished for changing his status. I have no objection to that and I think it ought to be inserted in it. I want to make this as tight as you can possibly make it, not for the sake of the seamen, but you can do this without hurting the seamen; you can do it for the sake of the United States, without hurting the seamen, and in doing it help the merchant marine and sea power of the United States as you go along.

Mr. RAKER. The third provision reads as follows:

That the Commissioner General of Immigration shall cause each member of the crew of any vessel arriving in any port of the United States from any foreign port or place to be examined and shall cause a report to be made to the collector of customs and to the Bureau of Immigration; if the examining officer finds that such crew fails to comply with the requirements of section 13 of the seamen's act (38 U. S. Stat. L., pp. 1164-1184, approved March 4, 1915) he shall instruct the master to keep the members of such crew or such members thereof on board of such vessel awaiting further instructions; and he shall at once specifically report such findings and instructions to the Bureau of Immigration and to the collector of customs, who shall refuse clearance of such vessel pending final investigation and action by order of the Commissioner General of Immigration, as provided in the foregoing proviso.

Is that workable?

Mr. FURUSETH. Yes, absolutely. I have talked with immigration officers as to that, particularly as it deals with seamen, in the immigration service.

Mr. RAKER. That is, they have the duty of reporting the facts and selecting those out that are not admissible so that they could be returned.

Mr. FURUSETH. Exactly.

Mr. RAKER. And yet of permitting them as they come now to land.

Mr. FURUSETH. To come ashore and mingle in the population.

Mr. RAKER. The fourth provision reads:

It is hereby made unlawful for any vessel to bring, except in distress, any person ineligible to citizenship in the United States, into any port of the United States as a seaman, unless he be a national of the country whose flag the vessel flies. Any such person so brought shall be taken into custody by the immigration officer in charge and shall be deported as a passenger on some other vessel, either to the place of his shipment or to the country of which he is a national at the expense of the vessel by which brought, and such vessel shall not be given clearance until such proviso is complied with.

What does that mean?

Mr. FURUSETH. That means that a Japanese vessel carrying quite a number of Chinamen would have to pay their passage back to China; or an English vessel coming here with some other nationals.

Mr. RAKER. In other words, that would give us a check to obviate the present law where all of these seamen can land, and those that are not eligible to citizenship remain in the United States by deserting and getting into the population?

Mr. FURUSETH. Yes.

The CHAIRMAN. You have explained it as to the Japanese. Now, assume the case of a British ship coming with Hindu cabin boys.

Mr. FURUSETH. I am not absolutely sure what you would do in that case.

The CHAIRMAN. It would have to apply to all. The Hindu is not eligible to citizenship.

Mr. FURUSETH. You would have to provide for that.

Mr. VAILE. He is a subject of Great Britain.

Mr. FURUSETH. But he is not really a national of Great Britain.

The CHAIRMAN. Not quite.

Mr. FURUSETH. He can not become a citizen of the United States. He comes here, however, on a British ship; and just as you exclude a Chinaman who comes from Hongkong on a British ship, you can exclude a Hindu coming on a British ship from India for the same reason. That is one of the phases of it I had in mind, but that I was unable to get really to the bottom of, because when I drew these things I did not have access to the kind of laws and regulations that would have helped me to do it right. You can do that right, because you apply that to a vessel coming here with a national who may be a man from the Straits Settlements or on a British vessel from Hongkong. He is a national of Great Britain in a sense, yet you would treat him in the immigration laws as a Chinaman. France owns part of Cochin China, and the Chinese who are from there are in a sense nationals of France, but you do not take any stock in that, but just simply keep them out.

Mr. RAKER. To conclude my examination, turn to the bill 101, page 19, section 14, under the head of "Maintenance of exempted status," in the amendments proposed or suggested with those in bill 101, which I have just read to you, being section 20 of the Johnson bill, if you would strike out of line 22 the figure "5" the thing would be workable.

Mr. FURUSETH. It would be harmonious.

Mr. RAKER. It would be workable, and at the same time we would prohibit those entering the United States who claim to be seamen, prohibit vessels from bringing in those here for the purpose of leaving them, and really clear up the situation on board ship.

Mr. FURUSETH. I think you would clear it up in as proper a shape as you could.

Mr. RAKER. That is your position before the committee.

Mr. FURUSETH. Yes.

Mr. RAKER. I will ask that this letter be printed as a part of the record.

The CHAIRMAN. Let the letter go in.

(The letter referred to is as follows:)

INTERNATIONAL SEAMEN'S UNION OF AMERICA,  
Washington, D. C., December 29, 1923.

HON. JOHN E. RAKER,  
Washington, D. C.

MY DEAR CONGRESSMAN: On December 3, 1923, the Secretary of Labor called a conference in his office for the purpose of consultation about an immigration bill which was then being prepared in the department. Invited to this conference were Mr. Gompers, Mr. Morrison, president and secretary, respectively, of the American Federation of Labor, and other representatives of other labor organizations, including myself.

The eighteenth section of that bill dealt with seamen and gave to the Secretary of Labor the power to hold seamen coming into the ports of the United States on the vessels on which they serve, unless they could furnish such bond as the Secretary of Labor may prescribe.

The twentieth section provided for the reestablishment of a landing card, which, of course, includes a registration of cards issued. Realizing that the Secretary of Labor ultimately would be compelled to demand bonds from every seaman before he was granted shore leave, I protested because it would repeal the freedom clauses of the seaman's act, impose upon the seamen an undue and unusual hardship, and largely fail of its stated purpose.

After some discussion it became apparent that the conference, as such, could reach no agreement upon the subject, the Secretary of Labor taking one position and practically the entire conference taking the other. The Secretary then appointed a committee of three, consisting of Mr. Gompers, Mr. Wallace, and myself. This committee was to draft a substitute to be submitted to the Secretary of Labor within the next three days.

The substitute and a short statement of reasons therefor were submitted to the Secretary of Labor on the third day, were tentatively rejected by him, but referred to the attorney drafting the bill for further consideration. The reasons for the substitute submitted to the Secretary of Labor were as follows:

#### REASONS FOR THE SUBSTITUTE.

"On behalf of the seamen we respectfully submit the following as a substitute for or amendment to section 18 of the draft dealing with seamen, submitted and discussed at the meeting held in the Secretary of Labor's office in the afternoon of December 3, 1923.

"It was generally understood that the purpose of the sections submitted was to keep out of the United States, so far as possible, any persons who might come as seamen and as seamen get on shore, notwithstanding the fact that they are excluded from the United States by law, treaty, or otherwise.



"The second purpose was to prevent seamen eligible to citizenship and coming to the United States from leaving and mingling in the population in violation of the general immigration laws.

"Third, that it was not intended to repeal that part of the seamen's act which, while it was passed in the interest of seamen, was even more so enacted for the purpose of equalizing the wage cost of American and foreign vessels, and thus give to the United States an equal opportunity in the ocean carrying trade.

"The section as proposed, and for which this is a substitute, deals with the seaman who does not initiate and is not the first cause of the persistent violation of law about which there is so much just complaint. The owner of the vessel may under existing law or proposed draft legally bring excluded persons into the harbors of the United States, and the real penalties are not visited upon the first cause—the owner of the vessel—which has its origin in self-interest and a desire to evade or violate the law, but the real force of the proposed law is placed upon the seaman, who when he shipped in many instances knew not that the vessel was coming to the United States.

"The vessel hires the cheapest and, for the purposes of the owner and officers thereof, the most effective men that he or they can find. If he or they be interested in smuggling Chinese or other excluded persons from Cuba or from other West Indian Islands into the United States, or narcotics from any ports, he or they will naturally choose those who are most expert as smugglers and who can best be depended upon to keep silent and accept the penalty without exposing either the owner of the ship or the officers of the ship, and without the knowledge of the latter no serious amount of smuggling can ever be carried on. The seamen from Mediterranean countries are the best trained and most expert smugglers amongst European seamen and most likely to keep silent, and they are, therefore, preferred.

"On the Pacific the owner or the officers will for the same purposes act in the same way, and they will, so far as they can, employ Chinese, and, second, Filipinos. There is ample proof that wherever Chinese are employed on the Pacific smuggling of Chinese and narcotics is carried on, and it makes no difference whether the vessel is a private one or belongs to the Emergency Fleet Corporation. The smuggling by the Filipinos is largely narcotics or alcoholic beverages. The penalty of \$1,000 imposed upon the owner for permitting a seaman to escape is of doubtful validity. As a criminal statute it would be strictly construed and collusion would very likely have to be proven, and such collusion would be as difficult to prove as it is now to prove that the masters or other officers of the vessel know anything about the smuggling that is now daily taking place. When it is seriously intended that the laws shall be obeyed, the lawmakers, at least in the past, sought to make evasion more expensive than obedience, thus enlisting in the execution of the law the self-interest of anyone who might be tempted to evade or violate it.

"The shipowner brings the seaman into our ports. The seaman seeks an opportunity here, as elsewhere, to go on shore, and no nation, except for the purposes of quarantine, has so far passed any law to prohibit shore leave. When it has been prevented by the master of a ship, such prevention has invariably been evaded or violated in spite of criminal statutes and treaties of arrest, detention and return of seamen. It is therefore reasonable to presume that laws or rules which could not be effectively executed, even in war-time when such laws or rules were based upon national safety, will be more extensively violated when based on immigration laws. The laws must, therefore, be so drawn as to put the responsibility upon the shipowner and the ship, who bring excluded persons, except on vessels of their own nationality, and to so regulate the landing of seamen not specifically excluded as will permit the seaman to come on shore, unless he be brought with the purpose above indicated, in which case the vessel must be made responsible and pay for deportation.

"That the United States can adopt such laws can not be questioned, because the Supreme Court of the United States has decided that the United States may forbid foreign vessels to come into its ports for any reason and, therefore, may make rules under which such ships may come. The same court has decided further that, at least, for the purposes of immigration and the crews the ship is not a part of the soil of the nation whose flag it is flying."

The substitute is as follows:

## SUBSTITUTE.

"Any alien person eligible to citizenship in the United States coming to any port of the United States as a bona fide seaman employed as part of the crew of any vessel, shall be permitted to land in the United States, temporarily, either under the act entitled 'An act to provide for the treatment in hospital of diseased alien seamen,' approved December 28, 1920, or in pursuit of his calling as such seaman. Such seaman shall be examined by order of the officer in charge of immigration and if found temporarily admissible, either for hospital treatment or in pursuit of his calling, he shall be furnished with a landing card and certificate as is now or may hereafter be required by law or regulation: *Provided*, First, that no vessel, the crew of which were engaged without the jurisdiction of the United States and which is bound to a foreign port or place, shall be permitted to depart from any port in the United States unless such vessel has a crew at least equal in number with the crew which such vessel had on her arrival.

"Second, that it is hereby made unlawful for any vessel to come to a port of the United States, except in distress, with a crew which, under the laws of the United States, is not permitted to depart on the same vessel from any port of the United States and such crew or such members thereof shall be taken into custody by the immigration officer in charge and shall be deported as passengers on some other vessel to the place of their shipment, at the expense of the vessel by which brought, and such vessel shall not be given clearance until this proviso is complied with.

"Third, that the Commissioner General of Immigration shall cause each member of the crew of any vessel arriving in any port of the United States from any foreign port or place, to be examined and shall cause a report to be made to the collector of customs and to the Bureau of Immigration; if the examining officer finds that such crew fails to comply with the requirements of section 13 of the seamen's act (38 U. S. Stat. L., pp. 1164-1184, approved March 4, 1915), he shall instruct the master to keep the members of such crew or such members thereof on board of such vessel awaiting further instructions; and he shall at once specifically report such findings and instructions to the Bureau of Immigration and to the collector of customs, who shall refuse clearance of such vessel pending final investigation and action by order of the Commissioner General of Immigration, as provided in the foregoing proviso.

"Fourth, it is hereby made unlawful for any vessel to bring, except in distress, any person ineligible to citizenship in the United States into any port of the United States as a seaman unless he be a national of the country whose flag the vessel flies. Any such person so brought shall be taken into custody by the immigration officer in charge and shall be deported as a passenger on some other vessel, either to the place of his shipment or to the country of which he is a national at the expense of the vessel by which brought, and such vessel shall not be given clearance until such proviso is complied with."

The substitute, together with the short statement above given, was later submitted to the legislative conference committee of the American Federation of Labor, where the action and report of the committee was indorsed. Nearly all of the immigration bills submitted or in process of preparation were reported to the conference as containing a provision for bonding of seamen. It was realized that the shipowners would make a special point of employing excluded persons wherever such would be convenient, that the bonding would have to be made general, that no bona fide seamen could put up the bonds required, and that the bonding provision would only be complied with by those who were using the navigation laws for the purpose of violating the immigration laws. For these reasons the conference adopted the following resolution:

"It is the sense of this conference that we insist upon the inclusion of the substitute offered by the committee in any immigration bill; also that we will do everything possible to prevent adoption of any legislation that will compel the seamen to put up bonds before being permitted to land."

In accordance with your suggestion, this report, the action thereon, and some further reasons for this action are hereby submitted to you.

## ARE SUCH LAWS NEEDED?

The answer is that the immigration and exclusion laws are systematically and persistently violated. The maritime law gives to the seaman the right to come on shore "in pursuit of his calling" and assumes that he will ship out again. Once on shore he may change his mind about going to sea again. He may change his status and then vanish in the population. Those who desire to come to this country and who would be stopped at the gate can in this way come in. Those who want to import excluded persons can in this way bring them into the country, and the smuggling of excluded persons is as remunerative as other smuggling. It is generally understood that \$1,000 is paid by the Chinese for being landed in the United States in such a way that he can at once mingle with others of his kind, and when we know that vessels manned with Chinese are constantly going away with from 10 to 40 or even 50 men less in the crew than they had on arrival, we must realize that we are here dealing with a temptation to shipowners and to officers of vessels that is great enough to tempt the shipowners as well as the officers. Again vessels coming from Europe have on one trip to this country left behind them from 50 to 150 persons, a great many of whom would have been refused admission if coming as regular immigrants. It does, therefore, appear that something ought to be done if we are serious in our immigration and exclusion policy.

## ARE SUCH LAWS JUSTIFIED?

As against those who have no desire to gather wealth by violating our laws, this proposal certainly can not be said to be harsh. The vessel is obligated to take away as many persons in her crew as she brings. In all nations there are either laws or regulations prescribing a minimum crew for the safety of life and property. The vessel can not leave home ports without this minimum number; but they can take as many more as the master or owner may determine. If in the judgment of the master or owner it is necessary for the safety of life and property to have a certain number in the crew coming west from Europe or east from the Orient, it certainly follows that if same number is needed to go back over the same waters, and no nation can justly complain because we insist that the laws of that particular nation and the judgment of the shipowner as to the number needed is enforced by this country.

One result is increased safety at sea, the other is that our population is not increased. But it is said that such vessels may bring such men as are for one reason or another excluded and take away those that are already admitted and must, therefore, be more desirable. This objection, though much overestimated, is met by the two provisos, which forbid vessels to come into our ports, except in distress, with certain crews or certain persons in their crews, unless they be citizens or subjects of the country to which the vessel belongs. The penalty is that the persons so brought shall be taken in charge by immigration officers and shall be sent out of this country at the expense of the vessel by which brought. The cost will be so considerable that the shipowners will take care not to violate our laws. There will be less temptation to smuggle. The risk of loss will be too great; but why not let the vessels come with anybody whom they may select and then see to it that the seamen are kept on board?

First, because it is a cruelty, which we would be the only nation to perpetrate. No nation denies "shore leave" to seamen on visiting vessels, except for the purpose of quarantine or in time of war. Quarantine is of short duration and is not often violated; but we know from the late war that it is practically impossible to enforce the denial of shore leave, even in times of war. Desertions were plentiful even with the precautions then taken. Second, because it would reestablish involuntary servitude within the jurisdiction of the United States. Third, because it would reestablish the differential in the wage cost of operating American and foreign vessels. Fourth, because the penalties would be visited upon the innocent to the exclusion of the guilty, and at the same time be to a considerable extent ineffective. The three reasons first mentioned may or should be accepted as self-evident; but the fourth needs some statement of facts to make it easily seen by readers who are not seamen or acquainted with sea life.

When a seaman joins a vessel he subscribes to a contract called "Shipping articles," in which it is stated that he is to go in the vessel to a named port and thence to any port or place within certain boundaries, north and south,

and to return to some port in the country to which the vessel belongs. The seaman does not know what countries he is to visit during the time of his employment. He is not particularly interested unless the vessel is going to some place that is known to be especially sickly and such contingency is usually taken care of in the law. If he knew that he is going to the United States, where shore-leave is forbidden, he would very likely refuse unless forced by starvation. The shipowner knows where he is going to send his vessel and he can, therefore, act accordingly when hiring the crew. If he sends his vessel to the United States with a forbidden crew or forbidden persons in his crew, he does so in violation of our law and he is the guilty party against whom the law in decency ought to be directed.

Our immigration and exclusion laws are based upon the principle that to be permitted to come to the United States is a privilege which we extend to some and forbid to others. If John Doe, the shipowner, desires to come to the United States, he knows that he must obtain a passport to be viséed by an American consul. If he desires to send his son here to study or for travel and pleasure, he knows that the son must be provided with a guaranty that the boy will not alter his status and yet he—the shipowner—may send any or all of his vessels—1, 2, 20, or 50—here into our ports with subjects or citizens of some other nation and specifically excluded from the United States. Surely there is no logic in such legislation, nor can there be said to be sincerity in it. He or his son may not come except upon specific permission, but he is permitted to bring within the jurisdiction of the United States hundreds or thousands, more or less, of men—of excluded men—whom he chooses to employ on his vessels; however, with the condition that those vessels are to be turned into prisons for his bondmen here within our jurisdiction, so that the unfortunates who happen to be on his vessels may not come on shore to mingle with our population. Such legislation might not be held unconstitutional because of the Supreme Court decision in *Robertson v. Baldwin* but surely would be indecent, both because it is direct inhumanity and because it would punish the innocent with imprisonment and let the guilty go free to pocket the proceeds arising out of the transaction.

But then it may be held to be contrary to the thirteenth amendment to the Constitution of the United States. The Supreme Court has held that the jurisdiction of the United States begins 3 miles offshore and that a foreign vessel inside of the 3-mile limit comes within the American law—that she is subject to penalties—if she has rum on board, even if the rum be under seal. A foreign vessel brings rum into the jurisdiction of the United States and seals it up, so that it may be kept on board while within the jurisdiction and again used after the vessel is again set at sea, and the court says that is an offense against the sovereignty of this country; another vessel brings an excluded person into the jurisdiction, keeps him under arrest, turning the vessel into a private prison and holds him a prisoner until the vessel is again at sea. One is tempted to ask if this be not the worse offense, since it violates not only the thirteenth amendment but also the exclusive right to imprison and punish. And the imprisonment would not be for any actual violation of law but to prevent a possible violation. Much water has gone over the dam since the *Robertson v. Baldwin* decision was handed down, and Congress has abolished the laws and treaties under which the decision was made. Are we sure that the court may not now distinguish between seamen at sea, under the common hazard, and seamen in port? The constitutionality could surely be questioned and the decision might be all the worse for the ship. But let us suppose that the seaman should stow away a bottle of rum in his kit or on his person. What would then be the result? Arrest, imprisonment on shore, and finally deportation at the expense of the United States?

#### AS TO FOREIGN NATIONS.

It has already been suggested that they can not justly complain, because we would play no favorites and would only be helping them by seeing that their own laws are obeyed while in our jurisdiction; but again Great Britain takes control to see that no vessel leaves her ports undermanned. She determines the minimum crew on her own vessels and then applies that law to foreign vessels. She has boarding officers who, upon complaints, visit any vessel, and if the law is about to be violated the vessel is held until the law is complied with.

## THE SACREDNESS OF VESSEL PROPERTY.

One might express some wonder about what there is about a vessel that is so sacred that the owner is to be permitted to violate the laws of this country, or that the laws must be so made as to make it easy for him to violate them with impunity. Are we so eager to see foreign vessels in our ports that we must give them special privileges in order that they may come here? Or is this law that makes the vessel in an American port into a prison to apply to American vessels as well as to foreign ones? If this be the case, then the purpose is easily understood. In that case it is just an effort to man the American vessels with orientals to be hired in the Orient under the act of 1884; but this would be a death sentence of the American hope of sea power. No self-respecting American would sail under such laws.

The idea to place seamen under bonds began in the newspapers as a part of the propaganda against the seamen's act. The failure to enforce the seamen's act and to make regulations which the Department of Commerce and the Department of Labor have a right to make, made it easy and safe to use one law against the other to bring both into disrepute and to prepare the public mind for such legislation as would, at least ostensibly, enforce the immigration laws. It was easy therefore to suggest a remedy for violation of the immigration laws, which at the same time would repeal the seamen's act.

When this is brought to the attention of the promoters of the bonding idea, they suggest as an alternative that the whole question of seamen be left out of the proposed immigration legislation. If that was the only reasonable and decent alternative and the only way in which the immigration laws could be made effective the seamen would not seriously complain; but the evil so justly complained of would continue and continue to grow. Why this should be done when there is another alternative, which is justifiable, humane, and decent, seems rather difficult to understand.

Feeling sure that these suggestions and the substitute will be given serious attention by the members of the committee and of Congress, I beg to remain,

Most respectfully,

ANDREW FURUSETH.

**Mr. RAKER.** This gives your suggestions as to amendments relative to seamen and conveys your explanation of what it means, and covers what you believe would be a proper method of enforcing the law relative to seamen.

**Mr. FURUSETH.** Yes; and at the same time the immigration law is strengthened.

**Mr. WATKINS.** You are well informed in regard to labor conditions in this country?

**Mr. FURUSETH.** Fairly.

**Mr. WATKINS.** And you are informed as to employment and non-employment. You have heard witnesses come before this committee to stress the need of foreigners and others coming in to do the work?

**Mr. FURUSETH.** Yes; I have heard that.

**Mr. WATKINS.** What do you know about the need in that law, whether it is desirable or even necessary?

**Mr. FURUSETH.** I do not think it is desirable and I do not think it is necessary. There is not any difficulty in getting working people in the United States. The difficulty is getting people to work with the kind of people that they are expected to work with.

**Mr. WATKINS.** The Americans will not work with these people.

**Mr. FURUSETH.** The American white man will not work with the negro. The American will not work with those that he calls "Wops" or by some other name; he says as long as these people are doing that kind of work I will be one of them if I work with them, and so he refuses to work with them. That is not the American alone; that is so in every nation in every part of the world. That takes place when somebody who is held to be of a lower class or status or

race, gets into employment, no matter what that employment is, and it gradually drives away the others.

Mr. WATKINS. You stated to the committee in the beginning that you were ahead of any others in favoring a restriction to a greater extent than any one on the committee. Tell the committee to what extent you would go.

Mr. FURUSETH. Just at the present time I would admit what we admit of the Chinese, just the diplomatic employees, and close it to others for the time being.

Mr. WATKINS. You would suspend immigration except for certain diplomatic attachés, for several years.

Mr. FURUSETH. Yes; that is what I would do. I would do it for this reason, that there are enough people here. If you permit these people to come you permit them to come until there are certain employments in the United States that the American-born man feels that he loses his self-respect if he goes into such employment. There is not any honest work that an American boy will not do or any other boy will not do, provided in doing it he is not lowering himself in his own estimation. It is not the work that is lowering him; it is the association.

Mr. VAILE. As a matter of fact, there is not any honest work in America that our boys did not do, before we had the flood of immigration.

Mr. FURUSETH. Absolutely correct.

Mr. VAILE. If you had your way to provide in this bill what is best for the country, you would suspend immigration entirely for a few years?

Mr. FURUSETH. I would.

The CHAIRMAN. We are very much obliged to you, Mr. Furuseth. You have made a clear statement to the committee, and we appreciate the time you have given to the subject.

Mr. VAILE. He has made a splendid statement.

Mr. FURUSETH. I do hope that I have convinced some of you gentlemen.

#### **STATEMENT OF HON. JOHN PHILIP HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND.**

Mr. HILL. Mr. Chairman and gentlemen of the committee, on the 21st of April, 1921, when the last immigration quota law was being considered, I offered on the floor of the House an amendment providing that that act should not apply to parents, brothers and sisters, and children of American citizens. In the bill which the committee is now considering, H. R. 101, on page 4, section 4, there is a provision that—

When used in this act the term "nonquota immigrant" means—

(a) An immigrant who is the husband, wife, father, mother, or unmarried minor child, of a citizen of the United States who resides therein at the time of a filing of a petition under section 8.

Mr. VAILE. Mr. Hill, the committee had tentatively agreed to make a slight change in that language as follows:

Father or mother over the age of 55 or unmarried minor child under the age of 18.

You might bear that in mind in discussing this proposition.

Mr. HILL. I would like to bear that in mind. I introduced on the 15th of December H. R. 3844, which provides as follows:

That the parents, brothers, sisters, or children of American citizens who otherwise comply with the mental, moral, and physical standards prescribed by the immigration laws of the United States shall be admitted into the United States regardless of limitations imposed by these quota regulations.

I have asked the privilege of coming before the committee in order to present to the committee the suggestion that the scope of subsection (a) of section 4 be enlarged, perhaps, to cover the intent of H. R. 3844. That could be done, perhaps, if the committee considered it desirable, by such an amendment as the following:

To strike out in line 19 the words "or unmarried child," and substitute therefor, "brother, sister, or child."

I am not sufficiently in touch with the general theory of the bill to go into detail. My suggestion would be to add after line 21 the following:

Who otherwise comply with the mental, moral, and physical standards prescribed by the immigration laws of the United States.

Perhaps that applies already. As subsection (a) of section 4 stands, Mr. Chairman, that is necessary. I assume none of these persons would be admitted as nonquota immigrants unless they would comply with the general standards of admissibility. In the case, for instance, of a defective child of American citizens, who happened to be abroad, under subsection (a), would that child be admitted?

The CHAIRMAN. I think so; he would be an American child of American parents.

Mr. HILL. Then I would not suggest this qualification of "who otherwise comply with the mental, moral, and physical standards prescribed by the immigration laws," as to children, but perhaps to brothers and sisters.

Mr. VAILE. Would you put any age limit on brothers and sisters?

Mr. HILL. I would not.

Mr. VAILE. That would mean that you would introduce collateral branches. That was one thing the committee desired to avoid. In other words, we thought—and I think I speak for the majority of the committee—that it would be awkward and perhaps unjust to deny to a citizen of the United States the right to support here with him those who might be considered his natural dependents, but that that principle should not be extended to include those who by no stretch of the imagination could be regarded as naturally his dependents. That would include adult brothers and sisters that have their separate establishments. They are separate families. There is a tie of love and affection, but there is no tie of economic dependence. Therefore, we did not include, for that reason, adult brothers and sisters. We had at one time a considerable discussion regarding that, and there may yet arise the question as to whether or not minor dependent brothers and sisters ought to be included.

Mr. HILL. As the bill stands now, minor dependent brothers and sisters would not be included under that provision, would they?

Mr. VAILE. No; they would not be included.

**Mr. VINCENT.** May I ask this question before you go further? Why do you admit husband or wife?

**Mr. HILL.** Because that is already in the bill.

**Mr. VINCENT.** In H. R. 101?

**Mr. HILL.** My suggestion originally was that the parents, brothers, sisters and children of American citizens be admitted. But that is much better expressed in subsection (a) of section 4, because it says, "the husband, wife, father, mother."

**Mr. VINCENT.** Do you not think, to permit adult brothers and sisters, just because of their relationship, to come here in that way, would unduly increase immigration, due to the fact that they would have permission to bring in their children to an unlimited extent?

**Mr. HILL.** Not until they became citizens of the United States.

**Mr. VINCENT.** That would take them five years.

**Mr. HILL.** So they could not bring anybody in *sui juris*, or by their own right, until after they become citizens. My feeling in the matter of adult brothers and sisters arose from two things. In the past two years I have had a great many cases of applications of brothers and sisters to come in. They were brothers and sisters of American citizens who were established in business and who had recognized economic and social relations with their particular communities. It seems to me that that class of immigrant is very desirable, because he or she comes into a definite American atmosphere and is connected with an American unit. They do not come here as stray units. I should think that they would be more desirable than the relationless quota independents. That is the thought I had with reference to that question.

**Mr. VAILE.** In answer to Mr. Vincent's question, you suggested they would themselves become American citizens and not until they became American citizens could they bring in their families. Do you think we ought to strike out our clause, section 5, which reads as follows:

When used in this act the term "quota relative immigrant" means an immigrant who is the husband, wife or unmarried minor child of an alien who has been legally admitted to the United States, and has resided in the United States continuously for at least two years immediately prior to the time of the filing of the petition and has at least one year prior to the time of the filing of the petition under section 8 declared his intention to become a citizen of the United States.

If that provision remains in the bill, the adoption of your plan would mean a continuous branching out, would it not?

**Mr. HILL.** I have not adequately considered that, but I would suggest that this provision of section 5 should apply to those who are in the United States now and I would not think that that applied as a continuous chain to those I am seeking to have admitted as brothers or sisters.

**Mr. VAILE.** Obviously your plan, if this provision remains in the bill, would make it a continuous chain.

**Mr. HILL.** Unquestionably. I did not have that in mind. I had in mind entirely, that the persons under this section that came in should not be the brothers and sisters of resident aliens, but only the brothers and sisters of actual citizens. In other words, it puts a premium on citizenship.



The CHAIRMAN. Is that a good thing or not?

Mr. HILL. I think it puts a premium on their seeking citizenship.

The CHAIRMAN. Do you think that that is a good plan?

Mr. HILL. I think so, Mr. Chairman. Of course, I speak a little bit remotely on that. For five years I had charge of a good many citizenship cases as United States attorney and it seemed to me that the alien who became a citizen, became a much more desirable element in the community than the alien who did not become a citizen.

Mr. WILSON. If you change the basis of his desire to become an American citizen and put him in on the ground that he wants to get his relatives in, do you think that adds anything to his American citizenship?

Mr. HILL. I think so, because he can not get his relatives in for five years anyhow and the interest in relative sometimes does not extend quite as far ahead as five years. It is more an immediate interest.

Mr. WILSON. But his desire to become a citizen ought to depend upon his interest in America and not upon his interest in his relatives who are in some other country.

Mr. HILL. It ought not, but I think anything which legitimately encourages his becoming a citizen is very beneficial to the general situation.

Mr. WILSON. Have you been able to make any estimate as to what the volume of immigration would be under your plan?

Mr. HILL. No; that is one thing I have had in mind, but I have no means of finding that out at all.

Mr. VINCENT. Is there not a danger of depressing the value of the stock we should place in a man's desire to become a citizen of the United States if we put a premium on it so that he will personally get something out of that citizenship, rather than to leave it as it is at the present time, when the only purpose he has in becoming a citizen is to incorporate himself into our form of political life here? If you change it as you suggest, he will have another entirely distinct purpose in becoming a citizen, something that will personally benefit him and his family without relationship to our political life or to our social life. Do you think that is a good thing?

Mr. HILL. I do, yes; there are two types of immigration under the general qualifications and regulations of the immigration act. Mr. Chairman, this act which is now under consideration does not, as I understand it, in any way change the general system of examination or the general system of requirements which existed under the old act.

The CHAIRMAN. Except that they are made more severe and a considerable portion of the examination is made abroad.

Mr. HILL. I recollect under the former act that the test to be applied to immigrants is a good deal like the test in the Army where they were examined as to whether or not they were fit to remain in the service or not. I think the psychiatric test and various other tests can be applied under the immigration act to test the qualifications of the applicant. That being the case, no one can come into the United States who is not properly qualified to be a citizen of the United States. If we are to have our citizenship increased in that

way, I would like to submit to the committee that it is better to have the new citizen who comes in, or the immigrant coming in, to come into a definite group which has been Americanized, at least to a certain extent, and which has a definite stake in the community. I should think it would be much better, even if it is an inducement to citizenship.

Mr. RAKER. Where do you get the idea, Mr. Hill, that you have just now presented to the committee?

Mr. HILL. Which one?

Mr. RAKER. That it is better to bring a man in and put him down among his relatives and friends in a mass settlement rather than to bring him here, if he desires to come, for the purpose of casting off the old and taking on the new?

Mr. HILL. I did not mean to express myself that way. I think there is a very grave danger which exists and which always will exist of having group settlements. I think they are bad. But let me say this: Your group settlement is going to remain.

Mr. RAKER. Why do you say that?

Mr. HILL. For this reason: Let us take, for instance, a man who comes from a certain country—for example, France. Suppose there is a group of people in New York City, or any other great city. The congestion is chiefly in the cities. This group comes from a similar place. He knows that. He is a stranger, so he goes to that place. Of course, it would be desirable if he should go to some new place and become more readily assimilated in some general community of the United States. He is going to do that ultimately anyhow. It seems to me, studying the census report on settlement, that that is the situation. If he is going to do that, it is better for him to settle in a community where he has relatives and friends who can instruct him in what American citizenship means. That is, however, only a suggestion.

Mr. VAILE. Mr. Hill, you have stated very clearly why this group settlement is bound to continue. I agree with you entirely, but do you not increase the size of the group settlements by the plan which you propose of bringing in brothers and sisters who are not natural dependents of those who are here, but merely related by blood?

Mr. HILL. It did not seem to me so, for this reason: That your unrelated immigrant goes always to the community in which there are people of his general race or his part of the country. I do not think that blood relationship would increase it.

Mr. RAKER. Is not that your deduction from city life? Is it not true that those who came to the United States in by-gone days, scattered all over the United States and lived in communities where there were none other of their nationality and have grown up to be staunch American citizens, having forgotten their language and all the conditions of the Old World?

Mr. HILL. I agree with you that everything should be done that is possible to break up group centers.

Mr. RAKER. Your judgment is that group settlements are bad for this country?

Mr. HILL. I do think so.

Mr. RAKER. Don't you agree, if we eventually secure enough education, so that the group settlements will have American papers,

become naturalized, and learn to love the country, that we will break up this group settlement?

Mr. HILL. I think so. But I do not think that bringing in the brothers and sisters would prevent that.

Mr. RAKER. Under the language of your bill which admits brothers of all American citizens now and hereafter to be naturalized, could you give the committee an estimate of how many that would embrace?

Mr. HILL. No, sir.

Mr. RAKER. That would amount to possibly hundreds of thousands.

Mr. HILL. There are no statistics, as I understand, available in the Department of Labor at the present time on relationships. I tried to get a statement to see how this would work out. I was not able to get it.

Mr. VAILE. We have no statistics on that, but a witness who appeared before this committee, and who has traveled extensively abroad, Mr. Kenneth Roberts, of the Post, stated that every alien has a brother in the United States.

Mr. HILL. Can he prove it?

Mr. RAKER. Under their method of proof, yes; and under the present law there is no way by which you can disprove it. The only attempt made in years is the proposed bill now before this committee, for this affidavit. As to the number of brothers, you are unable to say whether it would be 100,000 or 1,000,000?

Mr. HILL. I could not say, but I should require real proof of relationship.

Mr. RAKER. I find from reading the statistics for four decades there are about 35,000,000 aliens in the United States. One-fifth of those would be approximately 7,000,000. So we would have 7,000,000 men who would be able to bring their brothers. Their number may run from 1 to 10 brothers, might it not?

Mr. HILL. Well, it is possible; yes.

Mr. RAKER. As to the number of sisters, there should be at least one in each of those families or there may be an additional family. If there would be one out of thirty-five, and that is not too long for their longevity, there would be from 100,000 to possibly 3,000,000 sisters; is not that true?

Mr. HILL. It may be possible.

Mr. RAKER. The children then, of these brothers and sisters, multiplied by two, would number 10,000,000; giving the ordinary family five, would bring the total to about 55,000,000 children that they could bring in. Is that true?

Mr. HILL. I should hesitate to apply Mendel's law to this thing as you are doing.

Mr. RAKER. We have got to take ordinary statistics and the history of families in this country. They are larger in the old country.

Mr. HILL. I should be very glad to propose an amendment limiting it to, let us say, a million sisters and a million brothers.

Mr. RAKER. Let us go a little farther. The woman naturalized by marriage would be entitled to bring all of her brothers and sisters, which would be collateral descent from the husband. She may have 7 or 8 brothers, which would bring it into the neighborhood of 40 or 50 children; is that not true?

Mr. HILL. Yes.

Mr. RAKER. The husband then would bring his brothers and sisters with their families. It might run from 4 or 5 brothers and from 10 to 50 children. Is that not true?

Mr. HILL. I think so. It is possible; yes.

Mr. RAKER. It is possible under the provisions of this bill.

Mr. HILL. I might say this to my colleague if that condition arose—I would be very glad to appear before the committee later on and ask that my provision be repealed.

Mr. RAKER. I will go just a little bit further. Under the provision of the bill as it is now written, H. R. 101, allowing those who have declared their intentions to become citizens of the United States to bring in their relatives, just the same as citizens, the number would be increased just that much.

Mr. HILL. No; my amendment does not do that.

Mr. RAKER. Bill 101 provides that those who have resided in the United States two years and declared their intention of becoming American citizens can bring in relatives.

Mr. HILL. Oh, yes; undoubtedly, if they became citizens.

Mr. RAKER. These that come in under your proposal, after being here two years, would then be able to bring their relatives in.

Mr. HILL. As St. Paul says, in the exercise of their rights as citizens, they could operate under this section, if citizens.

Mr. RAKER. Will you explain to the committee from your observation what would result, if a man thus coming to the United States, has become naturalized, has lived here 10 years, let us say, and has two brothers and three sisters in the foreign country with their families, what obligation or duty has the United States to admit them solely because they are the brothers of one who is naturalized, and what right has he to ask that they come in, if it should happen that we have an excess population?

Mr. HILL. I am glad you asked that question, because it brings out exactly what I have been trying to represent to the committee. We are not providing for absolutely cutting off of immigration. That is not the purpose of the committee as I understand it. Under this proposed legislation, there will be a certain number of new persons permitted to come into the United States, presumably with the purpose of ultimately becoming citizens. I am strongly of the opinion that it is better for the United States to have the relatives of people who are already in the United States come in rather than those who have no affiliations here.

Mr. RAKER. That is what I would like to have you explain. On what theory do you base that?

Mr. HILL. The theory is this: Take, for instance, the district which I represent, which is a city district. That district has a good many first generation citizens. I have in mind a good many citizens who were born abroad and who have relatives abroad. I only use them as examples because they are typical, in explaining why I feel as I do about this matter. A great many of them have done very well indeed. They occupy responsible business positions in the community and are a part of the general community life. I should think it would be very much better, for instance, for the community in which those people live to have one of their relatives come rather

than to have some one who is totally alien to the whole situation as it exists. That, of course, is my own personal belief. In the past two years, while I have had some applications with reference to brothers and sisters, in proportion to the population it has not been such a large number. There are about 250,000 people in my district. I do not believe I have been called on in more than about 100 cases relating to brothers and sisters; cases where people have come and asked advice as to what the law was relative to brothers and sisters coming in.

I do not believe, as a practical matter, if you widen the scope of subsection (a) of section 4 to include brothers and sisters, you are going to have any very large amount of people come in under that section. I should be willing to go further and say that if an alleged brother or sister could not prove quite conclusively that he was a brother or sister, that he or she would not come under this act. Brothers and sisters who are not really brothers and sisters and who are not really in sufficient communication with their American relatives would not be the type of brother or sister who would be, under my view, a desirable addition to this country.

Mr. RAKER. Have you enough people to do the work in the community in which you live?

Mr. HILL. I think we have, probably. Of course, I represent a city community. I think there is very little unemployment at the present time. I am not speaking from the point of view of the importation of immigrants for any specific industry. I am only speaking of the general type of community.

Mr. RAKER. There are enough people to do the work and some little unemployment?

Mr. HILL. I do not think there is much unemployment at the present time.

Mr. RAKER. Let us take this as an example. There are some people who have a couple of hired men. If they brought a brother over, or a brother and sister, they would take the place of those two hired men who are there now, would they not, quite naturally?

Mr. HILL. I do not think they would necessarily. In a community like Baltimore, there is an enormous growth in the city every year. New industries come in and I think the enormous growth from year to year would easily take up the slack of the added brothers and sisters.

Mr. RAKER. If a man now has two hands employed and there are some excess laborers, and he brought over his two brothers, his humanity being so strong that he brings his brothers over, he would turn off his two men and hire his brothers, would he not?

Mr. HILL. It depends entirely upon what sort of work his laborers are doing.

Mr. RAKER. Any kind of work; if he brought his two brothers from abroad and there was an excess of labor, would he not turn off his hired men?

Mr. HILL. I can not conceive, for instance, that an intelligent man who was in business, let us say, as a shoemaker, should turn off two people who knew the shoe trade.

Mr. RAKER. Why would he bring those brothers over?

Mr. HILL. There are plenty of jobs for them. There is not any trouble getting employment.

Mr. RAKER. That is all.

Mr. HILL. From my understanding of my community, there is plenty of employment.

Mr. WATKINS. What percentage, if you know, of your constituents is foreign-born?

Mr. HILL. I am not able to say that precisely, because many are foreign born and many are born of foreign parents here.

Mr. WATKINS. Foreign-born themselves is what I referred to.

Mr. HILL. I do not think I could answer that exactly, but somewhere between 20 and 25 or 40 per cent, but I am not sure that it runs as high as that.

Mr. WATKINS. You say you prefer the kin of those who are already here in preference to an outsider. Would you prefer to have some Bulgarian who has kinsmen here to an Anglo-Saxon who has no kin at all?

Mr. HILL. I think it depends upon the Bulgarian pretty largely.

Mr. WATKINS. In what way would it depend on the Bulgarian?

Mr. HILL. I speak with entire impartiality, because I have no Bulgarian constituents.

Mr. WATKINS. What is your main group of aliens?

Mr. HILL. My district is largely American born of perhaps second or third generation.

Mr. WATKINS. Of what nationality?

Mr. HILL. I have a great many very desirable Irish.

Mr. WATKINS. Any Greeks?

Mr. HILL. There are a number of Russians but no Greeks; that is, not a considerable number. I have a lot of Bohemians. I myself am the father of three little Americans of Irish-Bohemian descent. There was a Bohemian settlement in Maryland which was started about the same time that New Amsterdam was started. A large quantity of land was granted, but it never developed very much. There was very little Bohemian immigration for over 100 years into Maryland. Now, we have in my district a very prosperous and very intelligent Bohemian community of several thousand people. A majority of them are second-generation people. Most of my constituents are really of the second generation. I have also a number of splendid Polish people, and also many of German descent.

Mr. WATKINS. Have you many southeastern Europeans?

Mr. HILL. There are many desirable Italians, but I do not think I have very many from southeast Europe.

Mr. RAKER. What do you mean by Bohemians?

Mr. HILL. Czechs.

Mr. RAKER. Czechs from what country?

Mr. HILL. The Czechs are from what was formerly the Kingdom of Bohemia.

Mr. RAKER. What are they? Bulgarians?

Mr. HILL. No.

Mr. RAKER. Do they come from Austria-Hungary?

Mr. HILL. They are not Austrians, but formerly were governed by Austria.

Mr. WATKINS. They are from that country.

Mr. VINCENT. They are from a Province of what used to be Austria-Hungary, of which Prague was the capital.

Mr. HILL. Prague is the capital. Bohemia was one of the original Christian bulwarks against the incursions of the Turks from the East.

Mr. RAKER. It could not have been Austria-Hungary because none of those people came to the United States until after 1861.

Mr. HILL. What was formerly Bohemia is now known as Czechoslovakia.

Mr. WATKINS. What kingdom and what king did they renounce when they assumed naturalization in this country?

Mr. HILL. At the present time it is a Republic.

Mr. WATKINS. At that time. Was their King Franz Josef?

Mr. HILL. It must have been.

Mr. WATKINS. Would you consider it a good or bad thing to suspend immigration entirely for a period of years, let us say 5 or 10 years?

Mr. HILL. No; I should be against that.

Mr. McREYNOLDS. You stated it is better to have relatives than outsiders?

Mr. HILL. Yes.

Mr. McREYNOLDS. I think your plan covers both.

Mr. HILL. I am advocating both.

Mr. McREYNOLDS. Do you advocate lowering the percentage that this bill advocates?

Mr. HILL. I would much rather have unlimited relative immigration and absolutely shut down on the rest of the immigration.

Mr. WATKINS. What census would you prefer?

Mr. HILL. As far as relatives are concerned, you do not have any census because you have simply the question of determining whether it is a relative of an American citizen or not. In presenting this point of view it seems to me from my observation that it would be much better to shut out all unaffiliated claimants for immigration and give preference to the brothers and sisters and other relatives of existing American citizens, on the theory that they come into definite American relationship, while the others do not come into it so well. I might say this, that during the war I had opportunity to make a great many observations at first hand in reference to different types of Americans. My division took in New Jersey, Maryland, Virginia, and the District of Columbia. In New Jersey there were an enormous number of soldiers who came from the most diversified types. There were Italians, Greeks, and there were Germans, to a certain extent, that is, second generation Germans. There were Poles. The New Jersey regiments were regiments from non-original stock Americans. With those people we found that when a new man came into the existing organization he got along very much better if he came from a community where they had been; that is, where they were recruited from, because he had friends to steer him straight. In other words, if the man who was not thoroughly Americanized came into an organization where a lot of his own sort of people were with him there, he quickly got the idea of the discipline of the organization.

I thank you, gentlemen.

(Thereupon, the committee adjourned to meet Wednesday, January 2, 1924, at 10.30 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., January 2, 1924—10.30 a. m.*

The Committee on Immigration and Naturalization was called to order at 10.30 o'clock a. m., Chairman Albert Johnson presiding.

Present: Representatives Johnson (chairman), White, Free, Cable, Raker, Wilson, Box, McReynolds, Vincent, Holaday, Swoope, and Watkins.

The CHAIRMAN. The committee may be in order. We will proceed.

The chairman has received this morning a letter from the Secretary of State, Hon. Charles E. Hughes, dated December 31, 1923, as follows:

DEPARTMENT OF STATE,  
*Washington, December 31, 1923.*

MY DEAR MR. JOHNSON: I beg to transmit herewith, for your information, a copy of a pro memoria left by the Italian ambassador with me on December 15, 1923, reflecting the attitude of the Italian Government toward certain bills recently introduced in Congress bearing upon the matter of "selected immigration."

I am, my dear Mr. Johnson.

Very sincerely yours.

CHARLES E. HUGHES.

HON. ALBERT JOHNSON,  
*House of Representatives.*

The pro memoria is as follows:

ROYAL ITALIAN EMBASSY,  
*Washington, December 15, 1923.*

Representative Albert Johnson, chairman of the Committee on Immigration and Naturalization, the 5th of December has introduced in the House of Representatives a bill (H. R. 101) on "selective immigration." Contemporaneously Senator Lodge has introduced an identical bill in the Senate.

The declarations made by the President of the United States in his message to the Congress would indicate that the Government intends to view favorably the fundamental features of said bills.

If approved by Congress, the number of quota immigrants and quota relative immigrants admitted under the proposed act would compare as follows with the number of immigrants admitted under the laws which have been in force during the last two years:

Nationality.	Quota immigrants admitted under the act of May 19, 1921.	Quota and quota relative immigrants admitted under proposed Johnson bill.	Relative percentage.
United Kingdom.....	77,342	125,316	162.0
Germany.....	67,807	102,854	152.0
France.....	5,729	8,228	143.6
Norway.....	12,202	18,308	109.0
Denmark.....	5,619	5,970	106.3
Sweden.....	20,042	19,522	97.2
Poland.....	21,076	10,712	50.8
Eastern Galicia.....	5,786	2,140	37.0
Austria.....	7,451	2,606	35.0
Yugoslavia.....	6,426	2,112	32.9
Czechoslovakia.....	14,557	4,462	30.7
Hungary.....	5,638	1,348	23.9
Italy.....	42,057	8,224	19.6



From this table it appears that whereas under the Johnson bill the total immigrants admitted for certain nationalities would be increased as high as 62 per cent above the number admitted during the last three years, that of the Italians would be reduced to 19.6 per cent of said number. Therefore Italy would be the less favored of all the most interested nations, that is of those having had so far an admissible immigration of over 5,000 individuals per year.

The Italian Government has never questioned the right of any country to dispose of its internal affairs as best suited to the national interests; it therefore would understand the Government of the United States raising or lowering the percentage of immigrants admissible in accordance to the interests of the country as long as this was done by varying the quota percentage used so far; the Johnson bill, however, is not based on such equanimous and impartial principle but patently aims to favor the immigration of some nations to the detriment of others, by changing the census year taken as the basis for the percentage quota.

The Italian immigration, being the most recent of the migratory waves that moved from Europe to the United States and almost completely subsequent to year 1890, would therefore be principally restricted by the Johnson bill.

For these reasons the Italian Government would be obliged to consider any legislation informed upon the above-mentioned criterion as an unjustified discrimination, *de facto* if not *de jure*, enacted to the detriment of a friendly nation; it is sincerely hoped that the Government of the United States will use every effort in suggesting to Congress a way of not reducing to a derisory figure the immigration of a people that have contributed so much to the productivity and prosperity of the United States and that a solution of the immigration problem may be arrived at that will not affect so harshly the interests and the pride of the Italian nation which has always had toward the American people feelings of true friendship and esteem.

I have acknowledged it as follows:

JANUARY 2, 1923.

HON. CHARLES E. HUGHES,  
*Secretary of State, Washington, D. C.*

DEAR MR. SECRETARY: I beg to acknowledge the receipt of your letter of December 31 with copy of pro memoria of the Italian ambassador with statements in reference to the immigration restriction bill, H. R. 101.

Your letter and copy of the pro memoria will be placed before the members of the House Committee on Immigration and Naturalization to-day.

Yours sincerely,

ALBERT JOHNSON, *Chairman.*

MR. WATKINS. Mr. Chairman, that communication just goes to demonstrate the wisdom of cutting off immigration entirely at this time.

THE CHAIRMAN. If we pursue the plan of requiring that the transcript be accepted as being accurate except for verbal and grammatical changes, it will be necessary for the members of the committee to refrain from asking questions simultaneously, and it will also be necessary that the members of the committee use the best possible judgment as to interrupting a man before he has completed his sentence. I have usually found from the transcripts of our hearings that witnesses have been so interrupted that I have felt obliged to tell them that where they were prevented from completing a sentence they might complete it in the transcript. I am sure you can all see the wisdom of that.

MR. WILSON. Mr. Chairman, if you could adopt a policy of letting the members of the committee wait until the witness is through, unless a member has obtained the consent of the chairman to interrupt, and then if you pass the opportunity to cross-examine down each side of the table, or follow some method of that sort, so that each member could have his opportunity of examination, I believe that it would make a better record.

Mr. WHITE. Judge Wilson, will you accept this amendment, that the members of the committee agree to that?

Mr. WILSON. Yes; and let the chairman direct it.

Mr. WHITE. I think the chairman has endeavored strenuously to follow out just such a policy as you have now suggested.

Mr. Box. We at one time had that policy, and I believe it is a wise one, because I know if the reporter gets everything we say or try to say he gets a medley.

The CHAIRMAN. It seems to be the view of the committee that we pursue that policy, and the chair will endeavor to follow it out. If we pursue that policy we will then have a much better record and there will be no necessity for revising it beyond the making of minor changes.

Mr. RAKER. Mr. Chairman, I do want to urge that these corrections be not permitted to go far enough to enable a witness to withdraw something that he has said that he wishes he had not said after cross-examination has developed it—that he be not permitted to revise himself out of a hole. I have seen that in law cases.

The CHAIRMAN. The members of the committee will understand that it is impossible for this committee, which has this tremendous problem to handle with a limited number of clerks, so limited that my own personal clerks devote most of their time during the hearings to the work of the committee, for the chairman to make a revision after the witness has revised the transcript. I have myself known of statements that I was very anxious to retain in the record having disappeared after revision. In four days' time we pile up a stack of transcript of the stenographic notes that I shall not have time to read.

Mr. RAKER. What I meant, in addition to the statement the chairman has made, is that if Judge Box or Mr. Wilson or anyone is examining a witness and he starts on a long answer he has a perfect right to stop him and to put in a question, otherwise we would be here all day, and that witness should not have a right to finish that answer in the record. I do not think he ought to have that right, otherwise he could just string it out page after page and make a statement altogether different from the one that he put before the committee.

The CHAIRMAN. It is understood that we will endeavor to proceed in the way suggested.

Now if the committee will please pay attention, it was planned to have present today Magnus Alexander, managing director of the National Industrial Conference Board, 10 East Thirty-ninth Street, New York. I have, however, received a letter as follows:

MY DEAR MR. JOHNSON: I regret greatly that sickness is confining me indoors so that I am unable to appear before your committee to-morrow as I had promised to do and would take pleasure in doing.

Mr. J. H. Friedel, my assistant in the New York office, and Mr. R. R. Lutz, the manager of our Washington office, have worked with me in our studies of immigration and I trust that you will permit them to appear and testify in my place.

Assuring you of our readiness at all times to lay our information on economic problems before your committee, believe me

Sincerely yours,

M. W. ALEXANDER.

The two gentlemen named are present. If there is no objection we will proceed to hear them. Who wants to appear first?

Mr. Lutz. Mr. Friedel.

**STATEMENT OF MR. J. H. FRIEDEL, ASSISTANT TO THE MANAGING DIRECTOR, NATIONAL INDUSTRIAL CONFERENCE BOARD.**

The CHAIRMAN. Just give your name, address, and business.

Mr. FRIEDEL. My name is J. H. Friedel and I am assistant to the managing director of the National Industrial Conference Board, stationed at the New York office. We have a Washington office, of which Mr. R. R. Lutz is in charge, and he will follow me, I hope, with your permission.

The CHAIRMAN. Just state for the benefit of the committee what is the National Industrial Conference Board.

Mr. FRIEDEL. I shall be very glad to do that, Mr. Johnson. The National Industrial Conference Board was organized in May, 1916. Its origin is in the main due to Mr. Alexander's efforts. He himself is a very able and energetic man, trained in engineering, whose studies, particularly along the economic aspects of industry, had led him to the belief that greater headway in industrial relations could be made by having a group of men get together around the conference table, just as this committee tries to do, and exchange opinions backed by investigations made by impartial investigators. That is the plan that the National Industrial Conference Board follows in its meetings.

The board is composed of—or, rather, there are affiliated with the National Industrial Conference Board—31 national and State organizations. Only national and State organizations are permitted to affiliate. A local organization can not affiliate.

The CHAIRMAN. State organizations of what?

Mr. FRIEDEL. A State organization of any State.

The CHAIRMAN. An organization of what?

Mr. FRIEDEL. An organization of manufacturers; that is, industrial producers. We take it broadly that way; at present most of the organizations in the board are manufacturers' organizations.

The method of organization is as follows: Each one of these associations names two individuals selected by itself, and those two individuals from each organization constitute the conference board. They constitute the directorship of the board. They meet every month except during July and August, for the discussion of economic problems, such as immigration, wages, etc. The results of the board's staff's studies are presented and are then discussed, and the reports of the investigations issued. That is, the investigations are made by men in the office who are trained along scholarly lines, and the business men who constitute the board give their practical experience, and thus the investigations have the benefit of both scientific economic judgment of the staff, which is often theoretical judgment, tempered by the practical experience of the business men on the board.

The membership in the board is personal and individual. That is, every man there is there as an individual. He does not bind his organization by a vote and the board itself does not bind any of its affiliated organizations by any vote. The board merely recommends

to its affiliated organizations a line of action if a line of action is taken.

Mr. HOLADAY. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes, sir.

Mr. HOLIDAY. Who finances this organization?

Mr. FRIEDEL. The board is financed by voluntary contributions by individuals who believe in it. The affiliated organizations also contribute toward the upkeep of the organization.

The CHAIRMAN. Would it not be a good plan to place in the record at this time a list of the affiliated organizations?

Mr. FRIEDEL. I will be glad to do that. Such a list is in this booklet. There are given the names of the 31 organizations, together with the names of the individuals who constitute its executive committee.

The CHAIRMAN. Just run that over, the first page.

Mr. FRIEDEL. Shall I read it?

The CHAIRMAN. Yes.

Mr. FRIEDEL. The affiliated organizations are:

American Cotton Manufacturers' Association.  
 American Electric Railway Association.  
 American Hardware Manufacturers' Association.  
 American Malleable Castings Association.  
 American Paper & Pulp Association.  
 American Pig Iron Association.  
 Electrical Manufacturers' Council.  
 Institute of Makers of Explosives.  
 Manufacturing Chemists' Association of the United States.  
 National Association of Cotton Manufacturers.  
 National Association of Farm Equipment Manufacturers.  
 National Association of Finishers of Cotton Fabrics.  
 National Association of Manufacturers of the United States of America.  
 National Association of Sheet & Tin Plate Manufacturers (Inc.).  
 National Association of Wool Manufacturers.  
 National Automobile Chamber of Commerce.  
 National Boot & Shoe Manufacturers' Association of the United States (Inc.).  
 National Electric Light Association.  
 National Erectors' Association.  
 National Founders' Association.  
 National Industrial Council.  
 National Lumber Manufacturers' Association.  
 National Metal Trades Association.  
 Railway Car Manufacturers' Association.  
 Rubber Association of America (Inc.).  
 Silk Association of America.  
 Tobacco Merchants' Association of the United States.

The four State organizations are as follows:

Associated Industries of Massachusetts.  
 Associated Industries of New York (Inc.).  
 Illinois Manufacturers' Association.  
 Manufacturers Association of Connecticut (Inc.).

These constitute the 31 affiliated organizations of the board.

Mr. RAKER. Have you a record of the amount of money the board has received and expended since its organization?

Mr. FRIEDEL. You mean the National Industrial Conference Board or these affiliated organizations?

Mr. RAKER. This organization that you have here?

Mr. FRIEDEL. No; I have not.

Mr. RAKER. Is there an account kept of that money?

Mr. FRIEDEL. I believe that all these organizations—

Mr. RAKER. Well, has the National Industrial Conference Board a record of the amount of money they have received and expended?

Mr. FRIEDEL. Has the National Industrial Conference Board a record of what these organizations gave?

Mr. RAKER. No; has the conference board a record of the amount of money received and collected since its organization?

Mr. FRIEDEL. Yes, sir; it has. I believe the comptroller of the office keeps such records. I have not such figures because finances are not in my province.

The CHAIRMAN. We will come to that later.

Now, Mr. Alexander is manager or director—which is it?

Mr. FRIEDEL. He is managing director of the National Industrial Conference Board.

The CHAIRMAN. Of the National Industrial Conference Board?

Mr. FRIEDEL. Yes.

The CHAIRMAN. Is there attached to that conference board an immigration conference board?

Mr. FRIEDEL. No. The National Industrial Conference Board called last month what is called the National Immigration Conference, and that was a conference to which different organizations were invited. The board itself has made studies of immigration; that is, its research staff have made studies on immigration during the last two years. A report has been published, a copy of which I believe is in your hands; if not, I will be glad to leave a copy of it for the committee. The board has discussed the immigration problem during the period of these studies.

Mr. RAKER. Then the conference board, through this conference, publishes such documents as you present now?

Mr. FRIEDEL. The conference board is a research organization primarily, but it publishes reports, and there is a list in the back of that pamphlet of its reports.

Mr. RAKER. Do the expenses of such publications come out of that fund?

Mr. FRIEDEL. The funds of the board are expended primarily for research work.

Mr. RAKER. Do the expenses of such publications come out of that fund that is collected?

Mr. FRIEDEL. Yes. The board publishes these reports.

Mr. RAKER. Does the cost of the publication of those reports come out of the funds collected?

Mr. FRIEDEL. Yes, sir.

Mr. RAKER. And the expenses of running the organization also come out of those funds?

Mr. FRIEDEL. The funds of the board are expended in the upkeep of the organization and for publishing these reports.

Mr. RAKER. And its employees are compensated out of that fund?

Mr. FRIEDEL. The employees are compensated out of the funds collected.

Mr. RAKER. Is there any record kept as to the number of employees the board has?

Mr. FRIEDEL. Yes, sir; but I haven't it with me.

Mr. RAKER. Can you supply it?

Mr. FRIEDEL. I will be glad to supply it if it is desired.

Mr. HOLADAY. Can you give us the information as to approximately what percentage of the funds of your organization is contributed by the organizations the names of which you have read and what percentage is contributed by individuals?

Mr. FRIEDEL. I can not say exactly, but I can say that in a general way about one-fifth is contributed by organizations and four-fifths by individual contributors—that is, individuals and industrial organizations, such as corporations and establishments of various kinds.

Mr. HOLADAY. Would it be possible for you to furnish to the committee a list of the contributors in a financial way; at least those who have contributed large amounts?

Mr. FRIEDEL. I can not say, but I will be glad to take that up with our office. As I say, that is outside of my province.

Mr. RAKER. Who is the man who can give us that information?

Mr. FRIEDEL. The comptroller, who keeps the records of the funds.

Mr. RAKER. Who is your comptroller?

Mr. FRIEDEL. James M. Robertson.

Mr. RAKER. And his office is where?

Mr. FRIEDEL. At the New York office.

Mr. RAKER. You keep regular book accounts of the funds received and from whom received?

Mr. FRIEDEL. Yes; we keep regular books as any well managed organization does.

Mr. RAKER. Can you give us a rough estimate of how much you have collected since the organization of the conference board?

Mr. FRIEDEL. No; I could not tell you, but I think that we are expending at present at the rate of about \$250,000 a year.

Mr. Box. \$250,000 a year?

Mr. FRIEDEL. Yes, sir. In the first year of the board's work the income was, I think, about \$30,000, and that has climbed. In the first year there were just 16 organizations affiliated with the board, and since then the number has increased to 31. The scope of the board's work has expanded with the increase in income.

Mr. RAKER. Before you get through will you tell us the purpose for which you spent this money and what is the object hoped to be attained by virtue of that expenditure?

Mr. FRIEDEL. Yes, sir; I shall be glad to do that.

Mr. WILSON. Mr. Chairman, I would like to suggest that we let the witness finish his main statement.

Mr. VINCENT. Mr. Chairman, was it not the purpose to have inserted in the record in addition to the names of these 31 affiliated organizations the names of those who constitute the membership of this controlling body? I thought that was included in your suggestion.

Mr. FRIEDEL. You mean you would like to have the names of the individual delegates?

Mr. WILSON. I thought that was included in the chairman's direction.

The CHAIRMAN. No. Now we have in the record the list of organizations that are behind the National Industrial Conference Board. Now, what else is there?

Mr. RAKER. Now, can we have who are the members of this board?

Mr. WILSON. That is what I thought was included in the original direction of the chairman.

Mr. FRIEDEL. You mean the names of the individuals who are delegated by these organizations?

The CHAIRMAN. Yes.

Mr. FRIEDEL. Of course, those names change continually. There are new officers elected by these various organizations and they select their delegation as they see fit and the Conference Board accepts them. If you want a list of the names of the men who at the present time constitute the Conference Board, I will be glad to send it to you. I haven't it with me, but perhaps the Washington office has it.

The CHAIRMAN. In order to simplify matters, here is what we want after that: I think the committee understands that the Industrial Conference Board has pursued studies along various lines including the matter of immigration.

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. Then there was held, apparently under the auspices of the Industrial Conference Board, an immigration conference.

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. And as we understood Mr. Alexander, who was here the other day, he was to have ready a digest of statements made at that conference and some explanation of what the membership of the conference was, and then he was to explain some resolutions that were apparently not adopted by the conference on immigration, but were adopted by the National Industrial Conference Board.

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. And the reasons therefor. Now, if you have sufficiently explained your working methods, you might get right down to the question of immigration.

Mr. FRIEDEL. I was coming right to that. I would like, to save your time, to present for the record a resolution which explains the purpose of the board and shows why the organization exists and what it aims to do, and I would also like to present for the record the statement of rules that govern the Conference Board in its meetings.

Mr. RAKER. Is that purpose of the organization very long? It will do us no good unless we hear it now.

Mr. FRIEDEL. It is a page and a half.

The CHAIRMAN. Let us have it.

Mr. FRIEDEL. I will read the latter half of it and then file the entire resolution.

(The resolution is as follows:)

Character, purposes, and scope of activity of the National Industrial Conference Board, adopted at the regular meeting of the board, December 16, 1920:

Whereas accurate scientific investigation, careful analysis of pertinent facts, and exercise of trained judgment on the basis of the facts established, are essential to the solution of the many difficult problems which confront industry; and

Whereas the National Industrial Conference Board was organized in May, 1916, constituted of persons designated by and from National and State industrial associations, to provide a bureau of scientific research, a clearing house of information, a forum for discussion, and the means whereby co-operative action may be taken on matters that vitally affect the industrial development of the country and all engaged in industry: Now, therefore, in

order that the character, purposes and scope of activity of the National Industrial Conference Board may be clearly defined and reaffirmed, it is—

*Resolved*, That the fundamental purpose of the National Industrial Conference Board is to promote the public welfare by bringing together the collective experience of those engaged in industry, by studying industrial and economic conditions, and by disseminating well-considered views thereon, as its contribution to the solution of the problems of industry;

That the National Industrial Conference Board pledges its energy and resources to this work, to be carried on in the open-minded and straightforward spirit which should characterize all efforts of a scientific nature, fully utilizing the views and experiences of those familiar with industrial problems and always seeking to learn and promulgate the truth;

That the board will refrain from all political activity and will in all respects comply with the requirements of the laws relating thereto; and

That, specifically, the objects of the board are:

First. To make impartial investigations in the field of industrial economics, and to cooperate to this end with individuals, institutions, associations, and agencies of Government;

Second. To aid in securing, on the basis of established economic facts underlying and affecting industrial conditions, joint deliberation of manufacturers and associations of manufacturers in the United States;

Third. To secure, analyze, and disseminate information concerning industrial problems and experience in the United States and other countries;

Fourth. To promote good understanding and friendly relations between employees and employers for the benefit of both, and between those engaged in industry and the public for the general good of the community;

Fifth. To make the results of its research and collective experience available to Governmental agencies when industrial and economic legislation and policies are being formulated, in an endeavor to secure sympathetic consideration of its views and opinions; and

Sixth. In general, to encourage and promote the sound development of American industry by all proper and legitimate means.

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Rules of the National Industrial Conference Board adopted at the regular meeting of the board, December 16, 1920.

#### COMPOSITION AND ORGANIZATION OF THE BOARD.

*Affiliated organizations.*—Any national or State industrial association may, upon its application and the recommendation of the board's executive committee, be accepted at any board meeting as an "affiliated organization" of the National Industrial Conference Board.

*Members.*—The "members" of the board shall be those duly designated by the affiliated organizations of the board and shall be recognized as members until their successors have been chosen and accredited by their respective associations.

Each affiliated national association shall be entitled to designate from its own membership two members of the board, and each affiliated State association shall be entitled to designate from its own membership one member of the board.

Such designated persons shall constitute the National Industrial Conference Board.

Each member of the board shall have one vote and shall be eligible to any office and as a member of any committees of the board.

Membership in the board is personal and individual.

As regular attendance at board meetings is necessary to make effective the work of the board, any member absent from three consecutive board meetings, without previous notice of his intention to be absent, shall be considered to have voluntarily terminated his membership in the board, and the executive committee may thereupon request the association from which the member was designated, to choose and designate his successor.

*Associate members.*—Any member of the board having been superseded as a designate from his association, except a member superseded for non-attendance as provided herein, shall thereupon become an "associate member" for one year. He may, upon recommendation of the executive committee and confirmation by the board, be continued as an associate member from year to year.



Associate members shall have the same rights and privileges as members, except that of voting for officers of the board and for members of the executive committee.

Any associate member, upon being absent from three consecutive board meetings, without previous notice of his intention to be absent, shall be considered to have voluntarily terminated his membership in the board.

*Ex-officio members.*—Any president or chief official (by whatever title designated) of an affiliated organization who may not have been chosen by his association as a designate to the board, shall be considered as an "ex-officio member" during the term of his office.

Ex-officio members shall have all rights and privileges of members, except that of voting and holding office.

*Officers.*—The officers of the board shall be a chairman, one or more vice chairmen, a treasurer and a managing director, any of whom may be selected from within or without the membership of the board; but during their term of office they shall be members of the board, with all rights and privileges pertaining thereto, except that the managing director shall not be entitled to vote at board meetings.

The chairman, vice chairman, and treasurer shall be elected at the annual meeting of the board or any adjournment thereof, for terms of one year, or until their successors have been chosen and have qualified.

The affirmative vote of at least two-thirds of the members present and voting shall be required for the election of officers.

*Executive committee.*—Subject to the control of the board, the management of the administrative and financial affairs of the board shall be vested in an executive committee which shall consist of the officers ex officio, and four members of the board who shall be elected at the annual meeting or any adjournment thereof for terms of two years. Two members shall be elected at the next annual meeting, and two at each annual meeting thereafter.

The affirmative vote of at least two-thirds of the members present and voting shall be required for election.

The executive committee shall elect its own chairman from among its membership.

One or more members or associate members of the board, who are not members of the executive committee, shall be selected each month by the chairman of the board to attend the next meeting of the executive committee, but without vote.

Any board member or associate member may request a conference with the executive committee for the discussion of a specific subject and shall thereupon be invited to the executive committee meeting at which such subject is to be discussed.

*Method of electing officers of the board and executive committee members.*—Election of officers and executive committee members shall be by ballot at the annual meeting of the board or any adjournment thereof. At the board meeting next preceding the annual meeting, a nominating committee shall be chosen in the manner determined by the board, the members of which shall not be officers of the board or members of the executive committee. The nominating committee shall, at the annual meeting or any adjournment thereof, present names for officers and two members of the executive committee whom they recommend for election, but nomination may also be made from the floor by members.

*Committees.*—All standing and special committees of the board, except the executive committee, shall, unless otherwise ordered by the board, be appointed by the chairman of the board.

Unless otherwise determined by the board in any special case, all committees, except the executive committee, shall be advisory committees to the board, and shall be appointed for a term not to exceed one year from date of appointment unless sooner discharged, but committee members shall be eligible for reappointment.

Nonmembers as well as members of the board are eligible for appointment on all standing and special committees, except the executive committee.

Reports to the board of all officers and committees and of the board's staff shall be submitted to and shall not be published except upon the order of the board.

*Meetings.*—Regular meeting of the board shall be held each month except July and August, but special meetings may be called at any time by order of the board or its executive committee.

Unless otherwise determined in each case, a regular board meeting shall be held on the third Thursday of the month, except July and August, in the city of New York, at such place as may be determined by the executive committee.

The regular board meeting in the month of May shall be the annual meeting of the board for the election of officers and members of the executive committee, for the submission of annual reports, and for the transaction of such other business as may properly come before the meeting.

One-third of all members shall constitute a quorum at any board meeting for the transaction of business.

A vote of at least two-thirds of all members and associate members present and voting shall be necessary for any action by the board on which their vote is required.

The executive committee of the board shall hold meetings at least once a month at such time and place as the committee may determine.

**Amendments.**—These rules may be amended at any board meeting provided notice of the proposed "amendment" shall have been given at a previous meeting of the board. Notice of such proposed amendment shall be sent to all members and associate members at least one week before the board meeting at which the same may be acted upon.

**Mr. FRIEDEL.** As I said, about two months ago the National Industrial Conference Board called what is known as the National Immigration Conference. That conference was held on December 13 and 14 at the Hotel Astor in New York City, and the conference was planned for this purpose: The board had been making certain studies on immigration and it had been discussing immigration at its meetings for about two years. It felt that there was a great lack of information on many points. It thought that by getting together the representatives of every important group of society in the United States that possibly new information might be brought together, and also that by getting everybody together in a discussion of that kind it would help not only in the formulation of its own opinion but perhaps bring about a better understanding by all the various people working on immigration.

As I say, invitations were sent out without restriction; there were some 25,000 invitations sent throughout the country to church organizations, social organizations, immigration societies, manufacturers' organizations and individuals who were known to have spent considerable time in studying the problem. They were all invited. There were about 500 present and we had five sessions on those two days, three sessions on the first day and two sessions on the second day.

I have a copy of the stenographic transcript of the record of the conference here. It is now being prepared for printing and will be available as a printed publication of the board at some time during the month. I hope it will be ready by the 15th of this month and, of course, copies of it will be sent to the committee.

The conference itself was arranged with the understanding that no resolutions of any kind would be permitted. There were just two introductory statements, one by Mr. Alexander himself, presenting the economic facts underlying the immigration problem without any statement of opinion. He was followed by Prof. Henry Fairfield Osborne, who spoke on "The Approach to the Immigration Problem through Science"—that is, along the fundamentals of the problem from its scientific approaches.

Then discussion followed under a 10-minute rule. There were about 500 persons attending the different sessions and 81 altogether were heard and, as I say, no resolutions of any kind were presented. If there were, they were ruled out of order.

Mr. RAKER. How did those who were permitted to be heard obtain the floor?

Mr. FRIEDEL. Speaker's cards were used. These cards were given to each person attending. They were easily obtainable, and any individual could ask to be heard on any one of the four questions. In order that the discussion might not scatter, the questions were framed to be taken up at each session. I will not read the subheads, but if you will allow me I would like to read the four main questions [reading]:

Question 1. "Shall the per centum limit act be retained without change by extending the period of its operation beyond June 30, 1924, or shall it be amended in respect to its administrative features?"

Then there were certain questions tending to stimulate discussion and bring out the various aspects of the administrative features.

Question 2. "Shall the per centum limit act be retained with amendments in respect to its percentage restriction features?"

Again certain questions were raised in connection with the percentage.

Question 3. "Shall special legislation be enacted to secure better selection, distribution, and assimilation of alien immigrants?"

And then certain suggestions in question form.

Question 4. "Shall a competent commission, with broad powers of investigation, be appointed by the President under congressional resolution to inquire into the major factors in the immigration problem and report thereon?"

And there were certain questions again raised as tending to lead to discussion.

Mr. RAKER. Now out of the 500 that attended some eighty odd spoke?

Mr. FRIEDEL. Yes, sir.

Mr. RAKER. Did any one of the 500 who desired to be heard on any one of those subjects have an opportunity of being heard?

Mr. FRIEDEL. Absolutely every one was heard, except that there were two people held out. They had been heard on two or three questions before and at 5 o'clock on the second day they were not heard again, but beyond that every one was given ample opportunity to be heard on every question. Every person had 10 minutes on each question, allowing him, if he wanted to speak on all four questions, 40 minutes in all.

Mr. Box. Was there more than one program published?

Mr. FRIEDEL. Yes, sir. I would like to present the program that was used at the conference.

Mr. Box. That was the final one?

Mr. FRIEDEL. Yes, sir.

Mr. Box. But that was not the only one published?

Mr. FRIEDEL. No, sir.

Mr. Box. And it was not the first one?

Mr. FRIEDEL. No, sir. I will present that if the chairman will permit with the letter that was sent out to the different organizations.

The CHAIRMAN. Yes; we would like that.

Mr. FRIEDEL. Following that conference the board itself had a meeting last month at which it discussed the immigration problem again with a view to focusing the whole thing in some position for the guidance of its organizations. As I said to you, the board dif-

fers from other organizations in that it does not try to pass resolutions that limit either its own conduct or the conduct of others, and the resolution that was passed was simply a resolution of recommendation. That resolution was passed at the meeting on December 20, 1923, and if the committee would like I will read the resolution or else place it in the record.

The CHAIRMAN. I think you might read it.

Mr. FRIEDEL (reading):

#### RESOLUTION ON IMMIGRATION.

At the regular board meeting on Thursday, December 20, 1923, upon motion duly made and seconded, the following resolution was adopted:

#### PREAMBLE.

Investigations into the immigration problem conducted by the National Industrial Conference Board, and the discussions at the National Immigration Conference in New York on December 13 and 14, 1923, have clearly shown that there is a great divergence of opinion and lack of information on some of the most fundamental questions vital to the formulation of an adequate national policy of immigration control. Even on so important a subject as the needs of normally functioning industry, commerce, and transportation, and the extent to which immigrant labor is necessary to supplement the native supply, no data adequate for broad judgment are available.

Moreover, while the immigration question has been debated officially and privately for more than a century, major attention has of late tended to focus on certain aspects of the immigration problem which are new in the field of scientific inquiry, such as questions in respect to the measurement of intelligence, the effects of intermarriage of different races, economic and social assimilability of foreign racial groups, and similar matters. These are now being urged as basis for action; yet such approach to the immigration problem through science is still in its early stage. While considerable investigational work along such lines has already been carried on, no basis has yet been established for evaluating the significance of these studies to the solution of the immigration problem.

The board's investigations have demonstrated that immigration is a many-sided problem and that to decide it on any one set of factors, whether economic, social, political, or racial is not likely to provide the permanent policy which is needed. Due regard should be had for the needs of normally functioning industry, commerce, and transportation; yet a broad conception of public policy must recognize also that the kind of immigrants admitted into the United States is of even greater importance than the number, and that what happens to immigrants after they are admitted into the country is of no less significance than the conditions fixed as essential for their admission. It is generally conceded that selection based on quality should be the basic consideration in any permanent policy of immigration control; no generally accepted method of such selection, however, nor a satisfactory program of adequately caring for immigrants after their arrival has so far been suggested. It is therefore

*Resolved*, That because of lack of fundamental information on many crucial points, the need of examining, evaluating and supplementing the recent scientific investigations, and the need of formulating practical methods of selection and assimilation, in respect to an adequate policy of national immigration control, the National Industrial Conference Board recommends to its affiliated organizations—

1. That they urge the appointment of a competent commission to be appointed by the President of the United States, to inquire into and to report within a definite period on the major factors of the immigration problem, some of which are:

(a) Immigration and emigration in the light of present domestic and world conditions.

(b) Needs of normally functioning industry, commerce and transportation for an adequate labor supply and, in so far as the native supply is insufficient, for immigrants generally and for special groups of immigrants.

(c) Economic and social assimilability of foreign racial groups.

(d) Effect of mixture of races upon the virility and social progress of the Nation.

(e) Practical methods of selecting, distributing, and assimilating immigrants.

(f) Suggestions for an adequate, scientific, and practical program of immigration based on an analysis of the aims and ideals of our national life.

2. That they recommend that, pending the results of such investigation and action thereon, the per centum limit act now in force be retained but with such administrative changes in the law as experience has shown to be advisable in order to facilitate operation and enforcement of the law and to eliminate unnecessary hardships and injustices now resulting from such enforcement.

That is the resolution that was adopted by the Conference Board.

The CHAIRMAN. Let me ask you, had the conference board had the benefit of this debate that took place during the two days of the immigration conference when it passed this resolution?

Mr. FRIEDEL. Yes, sir; a good many of the members of the board attended the National Immigration Conference. Mr. Cheney, the chairman of the executive committee, for instance, was there throughout the two days' sittings. For the benefit of those members who were not there a summary of this discussion was presented at the board meeting on December 20.

Mr. BOX. I understand that when the conference was called some 2,500 calls were sent out and that you had about 500 who answered.

Mr. FRIEDEL. There were 500 persons who came and registered at that conference.

Mr. BOX. And those persons discussed it among themselves and for the benefit of whoever was present, with no power to introduce or pass a resolution?

Mr. FRIEDEL. Yes, sir.

Mr. BOX. And that only a small part of the board that was to do the voting was present while they discussed it.

Mr. FRIEDEL. Well, the board had discussed—

Mr. BOX (interposing). I am not talking about that. It is true that only a small part of the body that was to do the voting was present when the discussion went on?

Mr. FRIEDEL. Yes, sir.

Mr. BOX. And the actual voting was done after the conference went home, and then this board, the majority of whom had not been present when the discussion took place, did the voting?

Mr. FRIEDEL. Well, the board's position—

Mr. BOX. Is not that true?

Mr. FRIEDEL. Yes, sir.

Mr. BOX. That is all.

Mr. RAKER. Have you the names of the members of the board who did attend the conference and were present when these resolutions were passed?

Mr. FRIEDEL. I haven't them with me, but I will put it in the record.

The CHAIRMAN. Will your records show who moved the resolution?

Mr. FRIEDEL. Yes, sir; our records will show that.

The CHAIRMAN. I would like that put in the record also. Now, you may proceed.

Mr. FRIEDEL. I think I ought to say that the National Immigration Conference was not called primarily to provide a basis for the board passing this resolution. The board had studied and discussed

this problem for a long time, and this National Immigration Conference was simply one means of helping to bring additional information to this board.

Mr. RAKER. Then what was the purpose of calling the conference, if the members who were to finally act upon it and pass the resolutions which you present to the committee here and which you intended to present to the public for their consideration as a basis upon which to act did not hear the discussion at the conference? What did you call the conference for?

Mr. FRIEDEL. The Conference Board in its studies——

Mr. RAKER (interposing). Not the Conference Board, but what was the conference called for when the members who were to act upon it did not hear the discussion?

Mr. FRIEDEL. The Conference Board hoped that this conference would bring to it information which it lacked and which it hoped would help in formulating its own opinion. It felt throughout its studies a great lack of data and also that certain data were being urged about which various questions arose in its staff and also in its own meetings, and it hoped that this conference would produce new information and also enrich its own studies. I think it did that.

Mr. RAKER. Were there divergent views expressed at the conference?

Mr. FRIEDEL. Yes, sir; there were.

Mr. RAKER. Were there any there in favor of exclusion entirely?

Mr. FRIEDEL. Yes, sir; there were. For example, the Immigration Restriction League represented one extreme and I think the National Liberal Immigration League perhaps represented the other extreme of those present.

The CHAIRMAN. May I ask whether your organization has been invited to attend the conference in New York to-night of which the H. I. A. S. organization is the promoter? Other organizations have been invited.

Mr. FRIEDEL. I do not know: I believe not.

The CHAIRMAN. All right.

Mr. RAKER. Well, just tell the committee what is the object and purpose of so many of these organizations meeting and collecting and spending such large sums of money apparently for the purpose of securing labor.

Mr. FRIEDEL. The purpose of so many organizations spending money?

Mr. RAKER. Yes. There seem to be so many varied kinds of organizations talking of immigration, and it resolves itself down to the final result that they are all seeking labor that is not so expensive.

Mr. FRIEDEL. Well, I think your own question contains the answer. A great many persons are engaged in the manufacture of goods which must be sold at a low price and therefore they must get low-priced labor to do the work, especially where labor would constitute a large element in the expense of manufacture.

Mr. RAKER. Well, are there any of these organizations that are working on the question of trying to make the conditions of those that are here now better and assisting them and their families in such a way that they can get along in a better way than they are

doing and give more service for the length of time they are working instead of trying to get somebody from somewhere else to do the work? Do you know of any organization of that kind?

Mr. FRIEDEL. Of course, broadly, that is the object of most organizations, but specifically I think it is generally admitted that that problem is the problem of each particular establishment, and that any organization can merely present the experience of various establishments with certain methods and leave it to each individual to adopt those methods or not.

Mr. RAKER. In other words, what I am trying to get at is this, and I will put it in this way: Do you know of any of these organizations that are of wide scope that are working with the American boys and girls to secure better conditions for them?

Mr. FRIEDEL. Well, some organizations run schools. For example, there are night schools and training schools for the young men and women and, of course, a good many plants themselves have such apprentice schools or night schools aiming to supplement the lack of the elementary schools and the possibilities of persons to secure a good education.

The CHAIRMAN. Mr. Friedel, we are diverting you a little. Have you furnished the information that you want to present?

Mr. FRIEDEL. Mr. Chairman, that in the main covers my general statement, except a comment in this regard: The board itself feels there is a lack of information on many vital points, and it is for that reason that it urges the appointment of a commission that will summarize and prepare the data that have been produced since the Immigration Commission of 1907 and also such new data on certain scientific aspects that are now being urged. It feels that certain studies have been made which are not based either on full information or are not fully scientific, and among those studies is the one on "America's Modern Melting Pot" made for this committee, and I would like if Mr. Lutz would be heard in respect to that particular matter.

The CHAIRMAN. Did any member of the Industrial Conference Board go to the State Department and ask to see the consular reports relative to the number of people of various nations trying to find ways to get to the United States?

Mr. FRIEDEL. I do not know.

The CHAIRMAN. It is doubtful if they did?

Mr. FRIEDEL. I imagine some of them used various sources of information, but I could not answer that particular question.

The CHAIRMAN. Does the National Industrial Conference Board have on its staff some immigration experts and students?

Mr. FRIEDEL. It has experts in investigation, and in our studies we have consulted with other experts and officers in charge of the administration of the immigration laws as well as with employers and social workers and various persons interested in the problem, all of whom have some right to speak on it.

The CHAIRMAN. Are you in the office of Mr. Alexander?

Mr. FRIEDEL. Yes, sir.

Mr. HOLIDAY. Mr. Chairman, there are two things that I would like to have furnished to the committee: The first is the business connections of the board members who passed the resolution that we had under discussion a few minutes ago, and the second is who the

parties are that have contributed four-fifths of this \$250,000 that has been used by this organization during the past year?

The CHAIRMAN. Can you give us that information?

Mr. FRIEDEL. I shall be glad to take that up with our managing director and do the best I can to furnish it.

Mr. BOX. If you can not furnish it, will you state why you can not furnish it?

Mr. FRIEDEL. I will do that.

The CHAIRMAN. I think Mr. Alexander when he was here the other day said he would be glad to furnish that.

Is Mr. James A. Emery, of Washington, D. C., a member of the National Industrial Conference Board?

Mr. FRIEDEL. He is a member of the Conference Board; yes, sir. He is one of the delegates of one of the affiliated organizations.

The CHAIRMAN. Do you attend all of the meetings of the conference board?

Mr. FRIEDEL. Not all, but most of them.

The CHAIRMAN. Have they discussed the legislation before the House Committee on Immigration and Naturalization?

Mr. FRIEDEL. Not recently, sir.

The CHAIRMAN. That is, not since Congress met?

Mr. FRIEDEL. Not since your bill was introduced.

The CHAIRMAN. Have they discussed the members of the House Committee on Immigration and Naturalization?

Mr. FRIEDEL. Not to my knowledge.

The CHAIRMAN. Do you have any knowledge of the letter written to the chairman of this committee, myself, by Mr. Alexander with reference to making inquiries as to a statement made in behalf of Mr. James A. Emery, of Washington, D. C., counsel for the National Association of Manufacturers, that during his vacation in the State of Washington last summer he had succeeded in convincing the chairman of this committee—that is me—of the disadvantages of the 2 per cent feature and of other features of my bill of last year?

Mr. FRIEDEL. I have seen a copy of that letter in the office.

The CHAIRMAN. Was that sent as a result of a conference of the board?

Mr. FRIEDEL. I do not believe so. I think Mr. Emery had made some statements at some meeting that Mr. Alexander attended, or in some private conference, and Mr. Alexander wanted confirmation of that statement.

Mr. CABLE. Mr. Emery does not know the chairman very well or he would not have made that statement.

The CHAIRMAN. All right. If it was not a matter of sufficient importance to be before the Conference Board it is not important here.

Mr. RAKER. Let me ask you, did the board in passing these resolutions discuss the question of whether it was advisable or not advisable to secure more labor from abroad?

Mr. FRIEDEL. The individual employer delegates who compose the board, a great many of them have many foreign born on their working staffs and they are interested, of course, in getting an adequate supply of labor, and many of them, particularly in the year before the last, experienced a great shortage; that is, they had great difficulty in maintaining the necessary personnel of their factories.



Mr. RAKER. Did they discuss the question of whether or not such labor could be obtained and obtained at a lower price than native-born labor in the United States could be obtained?

Mr. FRIEDEL. That particular question was not discussed, but it is, of course, present in the mind of any industrial producer. He is interested, of course, in getting as low a production cost so as to be able to offer to the public as low a selling price as he possibly can.

Mr. RAKER. Well, does the lowest production cost include securing as low a rate of wage earner as they could get that would produce the results?

Mr. FRIEDEL. Yes. Of course, I think this thought ought to be kept in mind, that very frequently—and employers recognize this—that very frequently the lowest paid man is not the best man. In other words, the wage is just one thing. Of primary importance is the quantity of goods produced and also his value in the community.

Mr. CABLE. You referred to cheap labor a while ago. What did you mean by it?

Mr. FRIEDEL. I think cheap labor is not necessarily the lowest priced labor; it may be the labor that will produce goods with the least efficiency.

Mr. BOX. The least efficiency?

Mr. FRIEDEL. The least efficiency. The cheapest labor may be the least efficient labor.

Mr. BOX. Do you mean to say that the least efficient labor would be the cheapest labor?

Mr. FRIEDEL. No; we are using that term here in different senses.

Mr. CABLE. That is what I am trying to get at. You said some of these plants had to have cheap labor because of the cheap price of the products. What did you mean by cheap labor?

Mr. FRIEDEL. I mean a low cost labor.

Mr. CABLE. That is what you said. You said the price of the goods depends upon cheap labor to a great extent.

Mr. FRIEDEL. Yes; I am not speaking of cheap labor cost but I am speaking of low priced labor.

Mr. CABLE. Is not the foreign man the cheapest with low wages?

Mr. FRIEDEL. The man that will produce the most goods at the lowest unit cost is the best kind of labor.

Mr. CABLE. Where are you going to get that kind of labor?

Mr. FRIEDEL. That is the problem we are up against.

Mr. CABLE. What do you suggest—more immigrants coming in or training the Americans who are here?

Mr. FRIEDEL. It is the combination of both. You can not train the foreign-born overnight.

Mr. CABLE. Then if you can not train them overnight, why not take the ones who are here rather than to bring in new ones from abroad?

Mr. FRIEDEL. I think the manufacturers would like to see the right thing done by the persons who are here first, but at the same time training must take a period of time and in that interval I think they would want to see a sufficient labor supply available to continue operations.

Mr. CABLE. Do you not find a sufficient labor supply here? Do you not know that there are about 750,000 immigrants coming in every year as compared to 1,000,000 before the war?

Mr. FRIEDEL. The number, of course, has been under 750,000, but there has been a large number coming in.

Mr. CABLE. Does that make any material difference in the price the manufacturers have to pay the labor?

Mr. FRIEDEL. In the year before last we had a labor shortage. This last year conditions were much better; there was not any labor shortage.

Mr. CABLE. Some of the employment offices of manufacturers are closed now because they have a sufficient supply of labor. That is right, is it not?

Mr. FRIEDEL. What is that?

Mr. CABLE. Some of the employment offices of large manufacturing establishments are now closed because they have a sufficient amount of labor on hand?

Mr. FRIEDEL. I think that is true, but I think on the other hand the opposite is true too. I think one of the great problems of the country is, and has always been, that we can not get an equal balance. There is a surplus of labor in some communities and a shortage of labor in other communities.

Mr. CABLE. That is the real trouble, is it not, and the solution is to spread them more equally through the country rather than to bring in more from abroad?

Mr. FRIEDEL. Yes; but that is an ideal condition.

Mr. CABLE. That is an economic problem rather than an immigration problem, is it not?

Mr. FRIEDEL. That is an economic problem.

Mr. SWOPE. Have you any suggestion to make about the Johnson bill?

Mr. FRIEDEL. No. Our board stands in favor of the continuation of the present law with such changes in it as would remove what are commonly called hardships to immigrants.

Mr. VINCENT. On the question Mr. Cable asked a moment ago, you stated there was a labor shortage last year. That was on account of the business boom at that time, was it not?

Mr. FRIEDEL. In part it was due to a business boom.

Mr. VINCENT. Do your manufacturers feel that there ought to be an immigration policy that would certainly provide a sufficient number of laborers at the time of the peak of a business boom of that kind?

Mr. FRIEDEL. No, sir; we do not.

Mr. VINCENT. If that is done, what are you going to do with the men as soon as there is a slackening of business? Is it not better in the long run for business itself to not have a complete supply of labor for those high peaks?

Mr. FRIEDEL. I can perhaps answer that question best by saying this, that the chairman of our board, Mr. Frederick P. Fish, has frequently urged the members of our board, and manufacturers generally, when conditions were going up to go slow in expansion for fear they would overexpand. Our own board feels that one of the things that is lacking in the United States at the present time is any knowl-

edge as to just what are the normal labor needs, and we feel that if we knew that we would be able to proceed better with a solution of our immigration problem.

The CHAIRMAN. Did your board give any attention to the actual number of immigrants received during the fiscal year?

Mr. FRIEDEL. Yes; we know those figures.

The CHAIRMAN. When your board discusses the matter of labor supply from abroad does it also discuss the arrival of women and children of the immigrants?

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. Has the board given any expression to the number of dependents arriving in the last two or three years?

Mr. FRIEDEL. No; I do not think so, sir, except for the figures that are given in its report. There has been an attempt made, I think, to divided the figures of immigration in our research report so as to show how many were men and how many were women.

The CHAIRMAN. Who is the author of the reports?

Mr. FRIEDEL. The board's reports are made not by any one individual but by several members of the staff, the thought being that in that way we escape the errors of any one man's judgment.

Mr. WILSON. This resolution that you have presented with the statement I understand covers the results of the findings of this meeting in New York?

Mr. FRIEDEL. No, sir; the National Immigration Conference was just one step. The board has been making studies for two years and this National Immigration Conference is one of the stepping stones in the board's investigations.

Mr. WILSON. This resolution with the statement preceding it covers the result of that conference; that is, the concensus of opinion arrived at at that conference?

Mr. FRIEDEL. The National Immigration Conference did not entertain any resolutions. An effort was made to introduce one or two, but they were ruled out of order.

Mr. WILSON. Then what division of it passed the resolution which you have submitted to the committee?

Mr. FRIEDEL. There are two things, sir. There is the National Industrial Conference Board—

Mr. WILSON. This is a resolution passed by—

Mr. FRIEDEL. The National Industrial Conference Board, the organization for which I am speaking. The National Immigration Conference passed no resolutions. That was simply an open forum.

Mr. WILSON. Did the resolutions passed by the board have any connection with the conference?

Mr. FRIEDEL. None, except that the statements made at the National Immigration Conference were kept in mind by the framers of the resolution.

Mr. WILSON. Then this finding resulted largely from the conference, did it?

Mr. FRIEDEL. It resulted mainly from the investigation which the board has made.

Mr. WILSON. I see that this board found that "immigration is a many-sided problem." Of course, we will agree with you about that. And these resolutions asking for an inquiry state that you ask for a study in "a" of "Immigration and emigration in the light of present

domestic and world conditions." Now does that have reference to the unrest in Europe and the desire of Europeans to come to this country in large numbers now on account of unsatisfactory conditions in their own country?

Mr. FRIEDEL. That would be one of the things we want to know, just what the policies of some European countries are. Some of them, we understand, are opposed to having their people come here. The English vice consul in New York told me in an interview with him that he was somewhat worried about the large number of Englishmen coming to this country and that his Government was interested in deterring so large a number as were coming. We know that the Norwegians are trying to keep as many of their own people at home as they can. You see their industries are facing the same problem as our own people, that of getting an efficient and sufficient labor supply at the present time.

Mr. CABLE. You do not mean that applies to Great Britain?

Mr. FRIEDEL. I am giving you the statement made by Mr. Armstrong to me two or three months ago.

Mr. WILSON. Then this was influenced by conditions obtaining in Europe?

Mr. FRIEDEL. Yes. We feel that the present condition throughout the world is an unsettled condition; that many of the conditions that obtained before the war may or may not hold now. We do not know, and we would like to have an inquiry made into that.

Mr. WILSON. All right. In "b" you refer to the needs of normally functioning industry, commerce, and transportation for an adequate labor supply.

Mr. FRIEDEL. Yes, sir.

Mr. WILSON. This board reached the conclusion that there was an inadequate supply of labor in this country for industry, commerce, and transportation at this time?

Mr. FRIEDEL. No; the board feels that at times there is a surplus and at times there is a shortage.

Mr. WILSON. I am speaking about the present time. Did this board reach the conclusion before making that statement in the resolution that there was an additional need of immigrants in order to meet the requirements of normal functioning in industry, commerce, and transportation now?

Mr. FRIEDEL. We know that at the present time, as at all times, there is a surplus in some sections and a shortage in others.

Mr. WILSON. That, as Mr. Cable just suggested, would have no reference to immigration.

Mr. FRIEDEL. Yes, sir; it would.

Mr. WILSON. These resolutions of the board were passed with reference to immigration, but the question I asked you was, did the board reach a conclusion that there is a deficit in labor for industry, commerce, and transportation at the present time and that some arrangement should be made in order to have a larger body of immigrants for that purpose?

Mr. FRIEDEL. I could not answer that either yes or no, because there is no knowledge as to just whether there is a net shortage or a net surplus for the country. Some of the persons in the board would report that they are having no difficulty in getting

labor and some would report that they are having trouble in getting labor.

Mr. WILSON. Then this board would not be competent or in a position at this time to recommend opening up the doors for additional immigrants for the purposes of supplying labor for transportation, commerce, and industry, would it?

Mr. FRIEDEL. You mean widening beyond the present 3 per cent?

Mr. WILSON. Well, yes; or making any relaxation at all.

Mr. FRIEDEL. Our board would like to see the present law continued to see how it works. We think there may be a possibility of getting the necessary labor over a period by the 3 per cent law. We are not sure, and we think there has not been enough experience to decide that.

Mr. WILSON. Then the position of the board is for the extension of the 3 per cent law?

Mr. FRIEDEL. For the present, until sufficient experience has shown that another law ought to supplant it. Employers generally would prefer to see a law that would be based on selection rather than purely on numbers.

The CHAIRMAN. What do you mean by selection?

Mr. FRIEDEL. Picking the persons that it is felt would fit best into our community and would also be the right kind of labor.

Mr. WILSON. Where would that selection be made?

Mr. FRIEDEL. Abroad.

Mr. CABLE. All men?

Mr. FRIEDEL. Not necessarily.

Mr. WILSON. In the opinion of this board, who is expected to pass upon the question as to whether industry is functioning normally or not and as to whether additional immigrants would be admitted in order to meet that situation?

Mr. FRIEDEL. An investigation could be made which would determine what is the normal rate of growth of industry.

Mr. WILSON. Do we need a board to do that in the face of the Department of Agriculture, Department of Commerce, Committee on Immigration, and the bureaus of statistics that we have here in Washington now?

Mr. FRIEDEL. We do not believe any of those studies indicate anything exact.

Mr. WILSON. They are there for that purpose. Do you think they are incompetent?

Mr. FRIEDEL. We think such a study would have to be national, and each bureau at present makes studies more particularly within its own field; that is, the Department of Agriculture will give you some figures in regard to agriculture.

Mr. WILSON. Speaking of agriculture, were there any farmers present at this meeting in New York representing agriculture?

Mr. FRIEDEL. No; there are no agricultural associations affiliated with the board. Some of the men are farmers as well, and, of course, some of the organizations, like the farm-implement association, would feel very keenly any condition of prosperity or depression in the farming industry.

Mr. WILSON. In paragraph "e" you speak of practical methods of selecting, distributing, and assimilating immigrants.

Mr. FRIEDEL. Yes, sir.

Mr. WILSON. Did your board have in mind any method of distributing and assimilating immigrants particularly?

Mr. FRIEDEL. We have no particular suggestion on any of those headings. Of course, every writer on immigration, I am sure all you gentlemen know, urges selecting, assimilation, etc. No one has yet presented any practical plan for doing it.

Mr. WILSON. I thought perhaps your board had worked that out.

Mr. FRIEDEL. No, sir; but we think if some commission could be appointed whose duty it would be to evolve such a plan, it perhaps would be able to do so.

Mr. WILSON. Did you have any discussion as to where the personnel of this commission that is going to do that should come from?

Mr. FRIEDEL. There was some discussion, of course. As the resolution states, it is a commission to be appointed by the President under the authority and with the advice of Congress.

Mr. WILSON. Of course, one trouble we have is that there are too many commissions and too many bureaus and it is merely a duplication of the work of departments already set up. Now, was the question discussed as to assimilating and distributing the immigrants here as to how that should be done?

Mr. FRIEDEL. No, sir; that was not discussed at our meeting. Of course, it has been discussed in a general way, but we have not concerned ourselves with evolving any plan for assimilating or distributing the immigrants.

Mr. WILSON. Has your board discussed the proposition as to whether or not it is within the province of the Federal Government to take charge of people who are already in America and tell them that they must go and stay in one section of the country or in another section of the country, and direct their movements and direct them and obligate them to follow any particular obligation?

Mr. FRIEDEL. Not in those terms, but the general question of distribution and registration has been discussed.

Mr. WILSON. Yes. An organization passed resolutions in Memphis not long ago relative to selecting immigrants and requiring them after they reach American shores to go to certain agricultural sections of the country, I believe, and to stay on the farm for five years. Is it your opinion that the Federal Government can do a thing of that sort?

Mr. FRIEDEL. My personal opinion would be that it would be rather difficult, and I do not know whether it would be a right and desirable thing. It is urged, and I think it ought to be said—of course, it holds true—that employers' organizations and other organizations get together and pass resolutions and make their studies afterwards. Our organization has made its studies first. That, I think, explains its cautious attitude on immigration. We feel there is so much to be learned that we do not know yet, and we feel that on so important a problem we ought to make every bit of study we possibly can before considering new legislation.

Mr. WILSON. Yes; but the question of distributing people, for the Federal Government to take charge of it and direct their movements and keep tab on them—

Mr. FRIEDEL. Yes, sir.

Mr. WILSON. And say that they shall go in certain places and work in a certain kind of occupation——

Mr. FRIEDEL. Yes.

Mr. WILSON. You know that has been discussed.

Mr. FRIEDEL. Yes, sir; it was urged at one of our meetings that immigrants should not be allowed to go except to a section of a certain population rating and should reside there for a period of, say, two years or five years, and afterwards be allowed to go into a larger population area. That question has been presented by one or two of those on our board.

Mr. WILSON. Is that with respect to the area where you want them or with respect to the National Government taking charge of the immigrant and directing his movements and keeping him in a kind of a state of peonage until he reaches a certain stage of development?

Mr. FRIEDEL. Those are the arguments on the other side, but our board has taken no action on that; it has simply been discussed like other questions.

Mr. VINCENT. Will you pardon me a minute? Have any of these gentlemen discussed the question as to whether the National Government has the legal power to do a thing of that kind?

Mr. FRIEDEL. You mean distribute immigrants in certain locations?

Mr. VINCENT. And require them to stay in a certain place for a certain length of time?

Mr. FRIEDEL. No, sir.

Mr. VINCENT. That would be a fundamental question to study first, would it not?

Mr. FRIEDEL. Yes; if we were to adopt a resolution or take a position in regard to that, but we have not done so. We have just discussed the study of it. That we feel would be one of the questions to be taken into consideration by the proposed commission.

Mr. WILSON. To study that before passing a resolution?

Mr. FRIEDEL. Yes, sir.

Mr. WILSON. The objective of this board then is, first, to secure an extension of the present immigration law? That is, first?

Mr. FRIEDEL. Yes, sir.

Mr. WILSON. And, second, pending its extension, to have an independent commission appointed by the President to make investigations and report along the lines of the resolution. That is the sum total of its recommendation?

Mr. FRIEDEL. We would like to see an investigation made, and pending the results of such an investigation to have the present law continued.

Mr. WILSON. That is all.

Mr. BOX. Mr. Chairman, in your studies of the immigration problem I understand that you considered all the important elements of that as they suggested themselves to you. For instance, you have one on the assimilation phase of it—the melting pot.

Mr. FRIEDEL. Yes, sir.

Mr. BOX. And in the studies you made before the conference and in the conference itself you have noted the rate of literacy and illiteracy in the various people?

Mr. FRIEDEL. Yes.

Mr. Box. Do you know what the rate of illiteracy is among the foreign born?

Mr. FRIEDEL. Yes; that is stated in our report.

Mr. Box. Do you recall it now?

Mr. FRIEDEL. I could not say offhand, but I can get the figure readily enough.

Mr. Box. After you have studied this question you do not know what that rate is for the United States? It is reported in the United States census, is it not?

Mr. FRIEDEL. Yes, sir.

Mr. Box. Is it not a fact that the native-born white has a rate of illiteracy of 2 per cent and the foreign-born white 13.1 per cent? Was not that fact discussed in your conference?

Mr. FRIEDEL. That fact was presented.

Mr. Box. What did you do in the way of correcting that? What steps did your conference take to correct that?

Mr. FRIEDEL. Our conference is not organized to take any steps toward the correction of these things. We are making investigations and presenting the findings to the industrialists of the country. It is up to them to take steps.

Mr. Box. I understood you did have a purpose. You are here to try to get effect to some of your studies, are you not?

Mr. FRIEDEL. I am presenting the results of our studies and the vote of our people on this question.

Mr. Box. You are here to get the results of your studies, and the vote of your people as to the conference enacted in the law, are you not? Do you not say so in the resolution?

Mr. FRIEDEL. The continuation of the present law; yes, sir.

Mr. Box. Then why do you say that it is not part of your functions to take any steps to accomplish any particular results? Are you not here trying to accomplish a result?

Mr. FRIEDEL. I think if our funds were large enough we would do everything possible to create an ideal condition in this country, but we can not.

Mr. Box. You are here to carry out certain conclusions, are you not, and get them enacted in the law?

Mr. FRIEDEL. I am trying to present the findings of our board.

Mr. Box. With a view of having them enacted in the law?

Mr. FRIEDEL. Yes, sir.

Mr. Box. How long have you been connected with this organization?

Mr. FRIEDEL. Since the beginning of 1917.

Mr. Box. Since the beginning of 1917?

Mr. FRIEDEL. Yes, sir.

Mr. Box. Were you in any way a development of the Inter-racial Council? Did you have any relationship with that council?

Mr. FRIEDEL. No, sir.

Mr. Box. Didn't you have any relationship with the council?

Mr. FRIEDEL. No, sir.

Mr. Box. You are the assistant managing director?

Mr. FRIEDEL. I am assistant to the managing director.

Mr. Box. You are assistant to the managing director?

Mr. FRIEDEL. Yes, sir.



Mr. Box. How many people have you in your force in New York City in that office?

Mr. FRIEDEL. I should say about 80 or 85 now.

Mr. Box. You have about 80 or 85 employees in New York?

Mr. FRIEDEL. Yes, sir.

Mr. Box. How many in your Washington office?

Mr. FRIEDEL. Three.

Mr. Box. Three in the Washington office?

Mr. FRIEDEL. Yes, sir.

Mr. Box. You have quarters occupied in New York?

Mr. FRIEDEL. Yes, sir.

Mr. Box. And have a regular headquarters there and carry on your work all the time?

Mr. FRIEDEL. Yes, sir.

Mr. Box. Mr. Vincent called up a list of those who contributed the funds that enable you to operate. Do you not, as assistant to the president, know whether or not there is such a list?

Mr. FRIEDEL. I believe there is such a list.

Mr. Box. Do you not know there is such a list?

Mr. FRIEDEL. I have never seen one, but I think books are kept.

Mr. Box. Can you imagine any reason why you can't give it to this committee?

Mr. FRIEDEL. No, sir; unless it is decided at the office not to give it.

Mr. Box. But you do keep books and have an auditor?

Mr. FRIEDEL. Yes, sir.

Mr. Box. Who knows what comes in and how it goes out?

Mr. FRIEDEL. Yes, sir.

Mr. Box. If this committee does not get the minutes of the contributions to that fund, it will be because it is decided not to furnish it by your office?

Mr. FRIEDEL. I am not an executive officer, otherwise I would answer your question yes or no.

Mr. Box. I say there is such a list in your office?

Mr. FRIEDEL. Yes, sir.

Mr. Box. And you have adequate clerical force to furnish it to this committee so far as that is concerned?

Mr. FRIEDEL. Yes, sir.

Mr. Box. And there is no reason why this committee will not get it than except it is concluded it is not wise to give it to the committee by your office?

Mr. FRIEDEL. I do not know but what that list will be given to you cheerfully. I can not pass on that.

Mr. Box. There may be no such reasons, and there would be no other reason than that.

Mr. FRIEDEL. I am saying that I am not an executive officer and I can not agree or not. It is for the managing director to decide whether the committee should or should not have that list.

Mr. Box. I believe that is all.

The CHAIRMAN. I want to ask one question. I would like to get this cleared up.

This committee would be justified now in understanding that the National Industrial Conference Board, made up as described in the statements made by yourself, is on record in finding a continuation of

the 3 per cent quota limitation with such modifications as are necessary to make the law more easily enacted and more humane?

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. For an indefinite period of time; and while that law is being thus continued Congress be asked to authorize the appointment of a commission to make further studies here and abroad relative to immigration.

Mr. FRIEDEL. If I may make a correction, I would say not for an indefinite period. We think this commission should be required to report within a definite time.

The CHAIRMAN. Does the board recommend the period of time?

Mr. FRIEDEL. Within a short time. It did not feel that we ought to express ourselves, because we thought that Congress should determine that itself.

The CHAIRMAN. Did the board think that an inquiry covering conditions could be made in a shorter time than was made by the Immigration Commission in 1911, I believe it was?

Mr. FRIEDEL. I do not remember how many years they took. We thought such an investigation might take two years, probably.

The CHAIRMAN. Then would this committee be justified in believing that inasmuch as the conference board sent to the committee these resolutions, they represent the rules from the directors from the various organizations which make up the conference board?

Mr. FRIEDEL. Yes, sir; their opinions as individuals; it does not necessarily reflect the views of their particular organizations. Membership in the board is personal and individual, and any one individual gives his particular opinion, but his organization may not adopt that opinion, or it may, and the two persons delegated by the board may be of differing opinions.

The CHAIRMAN. Does not a member of the conference board speak as a delegate, for instance, from a manufacturing organization?

Mr. FRIEDEL. Yes, sir; and he will report back to his organization with the request that they indorse it.

The CHAIRMAN. Has the National Industrial Conference Board received indorsement of the resolution?

Mr. FRIEDEL. I do not think so, because it was passed at a meeting on December 20, and sent out promptly, but I do not believe that any organizations have had any meetings. Some of them have sent copies of the resolution to their membership.

The CHAIRMAN. I would like to ask you one more question. Is Mr. Gary, of the United States Steel Corporation, a member of the conference board?

Mr. FRIEDEL. No, sir.

The CHAIRMAN. Is the United States Steel Corporation represented on that board?

Mr. FRIEDEL. No, sir.

The CHAIRMAN. Does the board pay any attention to the statement of Judge Gary that it will be necessary in order to continue the prosperity of the United States to abandon the effort to restrict immigration?

Mr. FRIEDEL. That was not discussed in the board. Everybody noticed it in the papers.

The CHAIRMAN. You say that everybody noticed it in the papers?

Mr. FRIEDEL. I imagine so.

The CHAIRMAN. Wasn't it a matter of discussion by that part of the board that devotes itself to immigration?

Mr. FRIEDEL. It was considered by the staff in the nature of testimony.

The CHAIRMAN. What was the opinion of the staff at that time with reference to that statement?

Mr. FRIEDEL. I should say that we were not in favor of going to the extreme that Judge Gary would.

The CHAIRMAN. Your staff favors restriction of immigration?

Mr. FRIEDEL. Yes; I think probably most people agree that we ought not to have a wide open door like we used to have.

The CHAIRMAN. That is all.

Mr. WHITE. I want to ask this question, not from the economic or industrial viewpoint, but from the viewpoint of distribution. You have discussed that subject, and it is a very important one, that the provision of the bill to admit certain relatives of American citizens, and a more restricted provision to admit relatives of declarants; do you not believe that would in a very large measure solve the proposition of distribution? They would come to their relatives. They would come in larger numbers to great industrial centers. While it would not solve the problem that you have considered in your conference, would it not very humanely solve the problem of distribution?

Mr. FRIEDEL. I should say not necessarily, because the immigrants would naturally go where their relatives are, and their relatives may be in the over-saturated sections.

Mr. WHITE. You understand these American citizens and declarants are questioned and required to furnish information as to their ability to prevent the immigrant from becoming a public charge, and it is a matter of great difference of opinion as to how many immigrants that might admit in the United States?

Mr. FRIEDEL. Yes, sir.

Mr. WHITE. Isn't it fair to presume that these immigrants, furnishing this information, after the facts have been entertained, they have made good in the United States, would bring a class of immigrants to this country that would naturally eliminate the proposition of distribution, and would very naturally, all of them working not by any concerted arrangement, yet all working together for that one end—they would bring the people here who would be ready to go to work, competent, and not to become a public charge, and to some extent it would even answer the question of employment, that is, the shortage of labor, to a degree. Don't you believe it would more effectually and naturally solve the proposition of distribution than any artificial arrangement that might be set up by the Government?

Mr. FRIEDEL. I do not know. I would say yes, provided it did not bring too many women and too many children, that would be one phase that we would have to consider, and if they did not go to the highly-saturated sections.

Mr. WHITE. As one member of the committee, I never will decide that proposition of keeping the families of immigrants together. The human side of this Government, you have discussed that in a conference by your admission to-day, and it seems to me that would solve that problem, so far as those immigrants coming in here are concerned. There would naturally be some uncertainty in the minds

of the committee as to the number that they will bring. It may bring more than anticipated. It is contended by some members of the committee that it will. That is a situation that would have to be considered.

Mr. FRIEDEL. Yes, sir; I think that is true, and Acting Secretary of Labor Henning presented some figures, and I think the very fact of that makes our board feel investigation should be made in order to determine what would happen.

Mr. WHITE. Do I gather from your allusion to the subject of bringing women that the members of this conference board do not care to bring women?

Mr. FRIEDEL. No, sir.

Mr. WHITE. Do not care to bring dependents?

Mr. FRIEDEL. I do not intend to imply that. We believe in so far as possible everything should be done to keep the family together, but as producers we are face to face with the question of getting a man for a man's job and a woman for a woman's job, and at the present time men are more used in industry than women.

Mr. WHITE. Just one step further: And in case you admit the man to the man's position at the high peak of employment, if there is a decadence, if that employment lags or falls back, then the American laborer with his wife and his family is likely to lose his job to the foreigner who has no one here dependent on him.

Mr. FRIEDEL. Yes; that is why we think that a study should be made of the rate of rise and sag in industrial employment, so as to determine how many people it would be desirable to admit to meet the normal needs, not the prosperity needs, nor, on the other hand, the depressional needs.

The CHAIRMAN. There is one more question I want to ask. You said you had a number of experts attached to your staff.

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. Do these staffs make reports to the board?

Mr. FRIEDEL. They make investigations and Mr. Alexander has charge of the planning of these.

The CHAIRMAN. Then the board exercises its judgment as to whether it should make use of the reports of experts or not?

Mr. FRIEDEL. The report is printed, you see, afterwards.

The CHAIRMAN. All of them?

Mr. FRIEDEL. All of them are printed.

The CHAIRMAN. Has that board ever suppressed any report of its experts?

Mr. FRIEDEL. Not to my knowledge.

The CHAIRMAN. Do you know?

Mr. FRIEDEL. I do not believe there has ever been a report that has not been printed.

The CHAIRMAN. Do the directors tell the experts what lines to pursue?

Mr. FRIEDEL. No, sir; when an investigation is completed the result will be presented at the conference board, and these findings will be discussed, and the staff will take into consideration any statements made.

The CHAIRMAN. Has the board sent any members, experts, abroad?

Mr. FRIEDEL. No, sir; Mr. Alexander was abroad and investigated the problem in Europe.

The CHAIRMAN. What is the salary of Mr. Alexander?

Mr. FRIEDEL. I could not tell you; I do not know.

The CHAIRMAN. You have no idea of the salary?

Mr. FRIEDEL. No, sir.

The CHAIRMAN. When did the board take up the study of immigration?

Mr. FRIEDEL. About two years ago.

The CHAIRMAN. And after two years, the board has been able to produce a set of resolutions to the effect that immigration was a many-sided problem, that we do not know much about it, and in regard to the quota matter containing the 3 per cent, some more inquiry should be made.

Mr. FRIEDEL. That represents the board's opinion at present.

The CHAIRMAN. That is the best you can do after two years' effort, on the part of its experts and others?

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. And during that two years' time, the inquiry began about following a large depression, and ran into a period when people were pretty generally employed.

Mr. FRIEDEL. Yes, sir.

The CHAIRMAN. Are there any experts on the staff who think they can devise a plan by which we can point out when we may expect depressions in the labor market?

Mr. FRIEDEL. Our staff know of the studies made as to business conditions, the cycles of industry, and the business of the country.

The CHAIRMAN. In carrying that out it is inclined to the belief that we could have a barometer that would indicate the opportunities for employment, and to determine immigration following that barometer.

Mr. FRIEDEL. I should not say necessarily. The commission would find the normal growth of industry is a certain amount over every period of five or ten years, and how we may get the labor we need. I do not think the board figures that immigration should move up or down in a business cycle, because that would always leave a surplus from the peak.

The CHAIRMAN. The board is made up of selected delegates from a large number of organizations, and they are of the opinion that 3 per cent should be the limit for some time to come, pending any further studies.

Mr. FRIEDEL. Yes, sir; continuance of the present law.

Mr. HOLADAY. Did you say that this board in calling this conference provided that it would not consider or pass resolutions?

Mr. FRIEDEL. Yes, sir; when the call for the immigration conference was made it was stated that no resolutions would be entertained.

Mr. HOLADAY. What was the purpose of placing that in the call?

Mr. FRIEDEL. Simply to prevent this National Immigration Conference from binding our own Conference Board in any way by resolutions. We have found that in getting a group together of that kind we will get individuals who have different opinions, so we did not want resolutions reflecting views which were merely the vote of the people who were present.

Mr. HOLLADAY. Was there a feeling that there was a possibility that this conference might run wild on your hands and pass resolutions that would not be satisfactory to the board.

Mr. FRIEDEL. No, sir; we have never let anything run wild.

Mr. HOLLADAY. Did you feel that they might pass resolutions that your board would not agree to?

Mr. FRIEDEL. No, sir; that was not in our mind at all. It was simply following the same idea the Conference Board pursues, rather to discuss questions than pass resolutions.

Mr. WATKINS. Did you state your organization is against further restrictions of immigration?

Mr. FRIEDEL. Yes, sir; against further restrictions at the present time.

Mr. WATKINS. Was the purpose and object of these resolutions passed by your board to prevent any further restriction of immigrants by legislation at the present time?

Mr. FRIEDEL. I would not say—

Mr. WATKINS. Was it discussed as to whether or not that would be a good means of preventing that at the present time, to postpone it because you are not in favor of restriction?

Mr. FRIEDEL. The resolution represents our opinion.

Mr. WATKINS. What caused the discussion to be made; I am asking you.

Mr. FRIEDEL. Will you frame your question again?

Mr. WATKINS. What was the cause of the resolution? Was it discussed in your body at the time that there was likely to be passed a bill more stringent, and as a means of presenting that resolution of this kind calling for this, it might delay matters—

Mr. FRIEDEL. No; because we believed a better course would be to continue the present law and make studies into certain phases that we know nothing at all about, or that we have only limited and fragmentary information, before going further.

Mr. WATKINS. As the chairman says, after two years of study by experts, you are only able to pass resolutions.

Mr. FRIEDEL. I may add in order to clear up any wrong impression that we feel any study made by a governmental authority will produce information which any private investigator can not get. We have limitations which I do not believe would apply to an equivalent expenditure of money by a governmental organization.

Mr. WATKINS. Are you investigating this immigration question solely in the interest of the employers or employees?

Mr. FRIEDEL. I think you will agree if you look over our report, it is the most liberal statement made as to immigration that has been reached by any industrial body.

Mr. WATKINS. You said a moment ago that neither Judge Gary or the Steel Corporation was a member of this conference or the board. Let me ask you if he is not a member of some of the affiliated organizations?

Mr. FRIEDEL. I do not know; he may be.

Mr. WATKINS. Do you not know, as a matter of fact, that he and some of his subsidiary companies are members of your affiliated organizations?

Mr. FRIEDEL. I do not know; I understand it is Judge Gary's policy, as well as that of the Steel Corporation, not to belong to any organization. I have heard that.

Mr. WATKINS. You do not know whether he belongs to any of the affiliated organizations or not?

Mr. FRIEDEL. No, sir.

Mr. WATKINS. Let me ask you: You say that there are 80 or 85 employees in your New York office and 3 in the Washington office. Does that number include your original investigators?

Mr. FRIEDEL. Yes, sir; the whole staff.

Mr. WATKINS. In your book you say the material for these chapters were gotten from Government reports, voluminous literature, debates in Congress, and private conference, and then you say, "In the discussion of the relation of the present immigration law to the country's labor supply, the results of the original investigations have been used."

Mr. FRIEDEL. Yes, sir.

Mr. WATKINS. Can you tell us, and will you tell us, how many foreign born, and if native born, their parents' nationality, are employed by your board?

Mr. FRIEDEL. You mean of the staff?

Mr. WATKINS. Yes; and especially of these original investigators.

Mr. FRIEDEL. I do not see why we can not.

Mr. WATKINS. You can give that, can you?

Mr. FRIEDEL. Yes, sir; we can ask it.

Mr. WATKINS. I ask it. I want to know who the original investigators are, and their nationality.

Mr. FRIEDEL. Yes, sir.

Mr. VINCENT. We were speaking a little while ago concerning the names of the contributors who are sustaining your organization, who contributed four-fifths, roughly, of the fund that is used.

Mr. FRIEDEL. Yes, sir.

Mr. VINCENT. And you said you would furnish us with those names if you could.

Mr. FRIEDEL. Yes.

Mr. VINCENT. If you are permitted to do so by the organization?

Mr. FRIEDEL. Yes, sir.

Mr. VINCENT. May I ask that you add to those names the amount each of those individuals contributed?

Mr. FRIEDEL. I will present that request in that form.

Mr. VINCENT. And you make the same effort to get that additional information that you will to get the names themselves?

Mr. FRIEDEL. Yes, sir.

Mr. WATKINS. And the nationality of the members who passed that resolution.

Mr. FRIEDEL. That will take some time.

Mr. WATKINS. There are not many.

Mr. FRIEDEL. There are about 60 people at the board meeting. We would have to circularize them and ask them.

Mr. WATKINS. That may help us, maybe.

Mr. RAKER. Your business is what?

Mr. FRIEDEL. Assistant to the managing director.

Mr. RAKER. Before that what was your business?

Mr. FRIEDEL. I was working in library work, and also in financial organizations. I was working in two different employments.

Mr. RAKER. Where?

Mr. FRIEDEL. At the New York Public Library, and also with the firm of Stallforth & Co.

Mr. RAKER. How long?

Mr. FRIEDEL. About two or three years in New York Public Library; about one year with Stallforth & Co.

Mr. RAKER. Before that?

Mr. FRIEDEL. Before that with a charitable organization society in New York two years; before that I was a student at Cornell University.

Mr. RAKER. What is your salary from this organization?

Mr. FRIEDEL. My present salary?

Mr. RAKER. I will withdraw that for a moment. What other business have you beside what you are doing for this organization?

Mr. FRIEDEL. I have no other business at all.

Mr. RAKER. What is your salary from the organization?

Mr. FRIEDEL. My present salary is \$7,000.

Mr. RAKER. And traveling expenses? Also expenses while you are away?

Mr. FRIEDEL. Yes, sir; that is paid if I am sent on a trip.

Mr. RAKER. I am reading this resolution in what you said; that resolution is nothing more or less than the judgment of these men who passed it, which would be the same as any other 60 or 50 men getting together and passing a resolution.

Mr. FRIEDEL. That is, of any 50 or 60 men of like training and connection.

Mr. RAKER. Sixty or seventy men gathering for any kind of training; isn't that right?

Mr. FRIEDEL. Yes.

Mr. RAKER. It does not bind any of these organizations, none of the organizations are responsible for it, nor do they stand for it?

Mr. FRIEDEL. Those organizations will probably indorse it.

Mr. RAKER. What is that?

Mr. FRIEDEL. I take it that most all of the organizations will indorse it.

Mr. RAKER. Let us get down to the facts. It has been published and sent out, and you are unable to state that a single organization has adopted or approved this conclusion of the board.

Mr. FRIEDEL. It has only been about 10 days—

Mr. RAKER. Isn't it a fact? The fact is before us. None of them have indorsed it, so far as you know?

Mr. FRIEDEL. It has been about 10 days since the resolution was passed by our board.

Mr. RAKER. None of them have indorsed it, so far as you know to-day, and the matter is presented now solely and entirely as a judgment of these men who met, without any other people behind it, save and except that they are the individuals, and it has come from the men who met and constituted the board.

Mr. FRIEDEL. Yes, sir.

Mr. RAKER. Without it being binding on anyone else?

Mr. FRIEDEL. It might bind the 31 organizations if they pass it.

Mr. RAKER. It is not binding, so far as you know now, on anybody else?

Mr. FRIEDEL. No, sir.



Mr. RAKER. Will you just tell the committee what you mean by the last resolution, subdivision of resolutions?

Mr. FRIEDEL. I am sorry I have not the copy.

Mr. RAKER. They recommend that—

Pending the result of such an investigation and action thereon the present age limit now in force be retained, but with such administrative changes in the law as experience has shown to be advisable, in order to facilitate operation and enforcement of the law, and eliminate unnecessary hardship and injustices now resulting from such enforcement.

What do you mean by that?

Mr. FRIEDEL. We believe in the continuation of the present law with such modification by Congress as would remove the hardships that we read about in the papers and that we know have taken place.

Mr. RAKER. What were the particular specific hardships and injustices that were considered by your committee?

Mr. FRIEDEL. There is the division of families at the ports of entry here, owing to the operation of the quota law, or to the provisions in the law.

Mr. RAKER. That is one. How many instances of that kind were brought to the attention of your committee?

Mr. FRIEDEL. I do not know, but there are instances in the papers most every day.

Mr. RAKER. Let us get at the facts. How many were brought to the attention, that you know actually occurred, where there was a division of families that arrived at a port of entry?

Mr. FRIEDEL. I do not know. I do not know, sir.

Mr. RAKER. If you have any specific case brought to your attention that was an actual bona fide case of that kind?

Mr. FRIEDEL. None was brought to our attention.

Mr. RAKER. Then you were taking general knowledge?

Mr. FRIEDEL. General knowledge; yes, sir.

Mr. RAKER. What is that?

Mr. FRIEDEL. General knowledge, the statements printed in the press that we assume to be correct, and statements made by the Acting Secretary of Labor, Mr. Henning.

Mr. RAKER. Your committee had no one specific case that you knew to be true, where there was an actual division of families at the port of entry because of the quota law.

Mr. FRIEDEL. Acting Secretary Henning, speaking at the National Immigration Conference, cited, I remember, at least one case of hardship wrought by the present law. He may have cited more.

Mr. RAKER. One case. All right. What was the other hardship?

Mr. FRIEDEL. Mainly, from the operation of the quota system.

Mr. RAKER. Tell us now. What other instances?

Mr. FRIEDEL. The exclusion of persons who have left their domiciles, or otherwise, and have come here, and been excluded here; that is beyond the 20 per cent allotment, beyond the 20 per cent monthly allotment.

Mr. RAKER. They would be excluded under a general law, if the law was enforced, would they not?

Mr. FRIEDEL. Surely.

Mr. RAKER. If the officer who enforces the law is honest?

Mr. FRIEDEL. Yes, sir.

Mr. RAKER. And it follows, if the party was in excess of the quota, he would have to be excluded.

Mr. FRIEDEL. Yes, sir.

Mr. RAKER. How are you going to change that present law to prevent the law from being enforced?

Mr. FRIEDEL. A check could be kept of the immigrants before they actually departed from their homes on the other side.

Mr. RAKER. How would you do it?

Mr. FRIEDEL. By some system of legislation. I understand the Trans-Atlantic Shipping Conference keeps a record for all shipping companies included in that conference, but other companies are not bound.

Mr. RAKER. These statements are given out every day. The shipping companies have it where they can cable or wire it or radio it over the ocean in five minutes to the port of embarkation.

Mr. FRIEDEL. I understand they do that every day in the Trans-Atlantic Shipping Conference.

Mr. RAKER. How would you amend or change that provision, by amending the 3 per cent quota act?

Mr. FRIEDEL. I think if there were some clearing house to apply it to all the shipping companies, it would probably prevent that hardship, but there is not anything like that at the present. Take the Japanese shipping companies; they are not included in the Trans-Atlantic Shipping Conference.

Mr. RAKER. That is just a proper administration of the law, is it not?

Mr. FRIEDEL. We think it may require administrative change.

Mr. RAKER. Are there any others that your conference discussed?

Mr. FRIEDEL. I believe those two are the main causes of difficulty.

Mr. RAKER. Then your conference came to the conclusion that the present law was unjust, created hardship and inequalities, because you heard of one case where there had been a division of families, and that the steamship company, having notice every day of the number admissible, still brought them over here, and they were in excess of the quota when they got here, you then say the law is inequitable and unjust. Is that a fair statement?

Mr. FRIEDEL. We form our impressions, like everybody in this country forms their impressions, from the information we get in our newspapers, and also from conversations with different individuals, and while at least one case was presented that I recall at the National Immigration Conference, there are probably a good many others that everybody hears of or reads of in the papers. There are a good many persons suffering from hardships, and they were probably mentioned, but few specified any particular case, or if they did, one or two cases is all they mentioned.

Mr. RAKER. That is all.

The CHAIRMAN. There are no other questions. We are much obliged to you, Mr. Friedel.

**STATEMENT OF MR. NATHAN GROSSHANDLER, YOUNGSTOWN, OHIO.**

**Mr. GROSSHANDLER.** I am president of the United Printing Co., and publish several newspapers, two of them in foreign languages, and publish several in the American language at Youngstown, Ohio.

**The CHAIRMAN.** How many did you say in foreign languages?

**Mr. GROSSHANDLER.** I have a Hungarian and a Slavish paper in my Youngstown office, of which I am owner.

**The CHAIRMAN.** They are all printed in Youngstown, Ohio?

**Mr. GROSSHANDLER.** Yes, sir.

**The CHAIRMAN.** You went abroad last year, and were with Secretary Davis for a considerable time?

**Mr. GROSSHANDLER.** I was; yes, sir.

**The CHAIRMAN.** Did you have an opportunity to look into the desires of the people of the various countries to come into the United States?

**Mr. GROSSHANDLER.** Yes, sir; I visited 14 countries, and I made a study, especially in the rural districts. Of course, I may call attention, Mr. Chairman, and fellow Members of Congress, to the fact that I really did not expect to appear here this afternoon, but as your honorable chairman, extended me an invitation the other day, I thought I would come here, but I was not fully prepared. I have not on hand the data I would like to present to you, but I have received first-hand information, and I have gathered pro and con, information as to immigration.

In the last few years I studied immigration, that is, I have studied immigration for the last 23 years, practically as an immigrant myself, as I emigrated to America.

Of course, I could not perceive then an immigration question would be an issue at some time in the future, especially as it is at this time, but since this thing came up, I stepped into it more seriously, as I have seen that this Nation of ours is confronted with great problems.

I am not here before you, Members of Congress, representing a special interest. I do not. I represent purely myself, and I am going to try to expound to you my honest convictions, what I do believe is best for America, first, last, and always.

I believe seeing is believing, and when you get your first-hand information, then of course you have specific facts before you, and I believe along those lines. Coming to the point what I personally advocate in my papers, and have for years, is selective immigration.

Of course the selective plan right now is a big problem as to how to arrange for the necessary machinery abroad. As I said, I visited those countries and I have interviewed from the agrarian, up to the highest man who holds office in the public life over there.

Of course, we must realize, members of Congress that continental Europe to-day is in a monetary chaos, and I will point that out to you. I have not received my information on a silver platter, like plenipotentiaries, at the international courts in Europe, or at London, or any other capital.

I have invaded the rural districts, and I must say to you honestly that I was three weeks on the highways and byways, in automobiles and in every way, and I did not have a chance to think about, in

fact, I have a statement to make—I did not even have a chance to take a bath—I was going to Czechoslovakia—I was going to Vienna, and I said to the chauffeur on the right of way, "I see some clean water," because I wanted to take a bath. I had not a chance to take a bath for three weeks.

Mr. Box. How long was it that you had not taken a bath?

Mr. GROSSHANDLER. Three weeks on the road.

Mr. Box. State what people you were among.

Mr. GROSSHANDLER. It would take me all day to relate the story to you.

Mr. Box. It would not be a very clean story, either, would it?

Mr. GROSSHANDLER. However, to come down to real facts, the present conditions in continental Europe, as I have stated, are beyond any question of doubt unsound.

I met a carpenter in the city of Budapest. He went to work at 8 o'clock in the morning and he returned at 5 o'clock. In some of the cities they pay daily the laboring man, owing to the reason that currency fluctuates every hour, and I asked him how much he was getting, and he said he was getting 42,000 crowns that day for his work.

Mr. Box. Forty-two thousand crowns a day for his work?

Mr. GROSSHANDLER. Forty-two thousand crowns a day for his work in Hungarian crowns.

Mr. Box. At par, what would they represent in our money?

Mr. GROSSHANDLER. I could not remember exactly, Congressman.

Mr. Box. Please state to us approximately what they would be worth.

Mr. GROSSHANDLER. Well, approximately it would have represented I think about 80 cents.

Mr. Box. Eighty cents?

Mr. GROSSHANDLER. They would have represented 80 cents in our money.

Mr. Box. He is getting 42,000 times 80 cents, you mean?

Mr. GROSSHANDLER. Eighty cents in American currency; he gets 80 cents for nine hours.

Mr. Box. You mean that 1 crown is worth 80 cents? What would it be worth in American money?

Mr. GROSSHANDLER. You are able to buy 1,000,000 crowns for \$53.

Mr. Box. If it was at par, what would it be worth?

Mr. GROSSHANDLER. Twenty cents in normal times.

Mr. Box. So a crown, if the money were at par, would be worth 20 cents?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. And the man was getting 42,000 crowns a day?

Mr. GROSSHANDLER. I could tell you that some of them get millions, depending upon their employment.

Mr. WHITE. I want to ask you a question: Can you tell this committee how many pounds of flour his day's labor would buy?

Mr. GROSSHANDLER. Well, I tell it to you briefly: Some of them are receiving wages and they could not buy a box of matches if they were through with their day's work.

Mr. WHITE. How many loaves of bread would it buy?

Mr. GROSSHANDLER. As I said before, I will answer the question: I will illustrate to you what happened to me, and of course you

have no specific basis to work on, because of the uncertainty of conditions that prevail there. I was in the Hungarian Hotel at Budapest, and I ordered a meal, and this on the menu was marked 800 crowns. I went in there at 12 o'clock, and I said to the waiter, "Rush my order, I have got to go," and as the fellow started into the kitchen, the head waiter comes in and he says in English, "Pardon me, sir; give me your bill of fare; I am very sorry. I noted that you placed your order, and the price was 800 crowns, but now it is 1,200 crowns," and the kitchen has a telephone connected with the stock exchange, and they are watching the rates. Those are the conditions, not only in Hungary but practically everywhere that I have been.

Mr. WATKINS. Could you enjoy Hungarian goulash under those conditions?

Mr. GROSSHANDLER. I told the waiter to give me very quick service, and not to stay very long, as I believe it would have cost me more money, but I had a complete dinner, and it cost me 28 cents in American money, and I had a mighty good dinner.

Mr. WHITE. The carpenter whose wages you have quoted as being equivalent to 80 cents in American money really were not enough, were they? Had he boarded at that hotel, could he have bought three good meals of the kind you paid for?

Mr. GROSSHANDLER. Well, of course he could have gotten three meals.

The CHAIRMAN. If the price did not jump?

Mr. GROSSHANDLER. Yes; if the price did not jump, but the prices are contingent just as I have stated on the way the stock exchange regulates the quotations.

Mr. CABLE. Does the stock exchange regulate the price of labor?

Mr. GROSSHANDLER. Practically it does, on account of the monetary systems, as you know, regulate economics.

Mr. WHITE. Will you let me ask you another question? Does that carpenter know, or do you believe he knows, and carpenters generally know, that in the United States, in any of these great cities, a carpenter can buy two barrels of standard flour for a day's wages?

Mr. BOX. Two barrels for a day's wages?

Mr. WHITE. Flour is selling from \$3 to \$5.50, a standard barrel of 200 pounds, \$6.50 for a high patent flour, or \$7 for the highest flour.

Mr. BOX. And he can get two barrels?

Mr. WHITE. He can, if he earns the standard wages of labor. That is, if he earns the standard wages of labor paid in Washington and other large cities, and it is all right that he should buy it, too.

Mr. BOX. I just did not get the full import of your question.

Mr. WHITE. I will elaborate further, if you wish.

Mr. BOX. I did not mean to interrupt.

Mr. GROSSHANDLER. I would like to tell you gentlemen what I have in mind and what I have been advocating in the last few years.

Mr. RAKER. Before you go to that, what were the 14 countries you visited and found conditions as you described?

Mr. GROSSHANDLER. You mean the countries I have visited?

Mr. RAKER. The countries that you visited the last time.

Mr. GROSSHANDLER. I have visited practically all of the Balkan States. I was in Bulgaria, Croatia, Serbia, Rumania, Czechoslovakia, Hungary, Austria, Poland, France, London, and God knows I was traveling so fast and working so hard that often after every two

hours of travel I was in a different country. I was primarily interested, Mr Chairman, in the countries that we have drawn labor from, Austria, Hungary, Italy, Czechoslovakia, Poland, Yugoslavia, and Rumania.

Mr. RAKER. Were you in Italy?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. And Germany?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. You did not get up to Denmark and Holland?

Mr. GROSSHANDLER. I was in Holland; yes, sir.

Mr. RAKER. Did you get into Russia?

Mr. GROSSHANDLER. Well, of course I could not get into Russia, the reason being that our Government does not recognize Russia. In fact, I had an invitation extended to me, and I could have gotten credentials to go there.

Mr. RAKER. I just wanted the countries, so we could put them in the record and apply them to your evidence.

The CHAIRMAN. In Italy did you find a desire on the part of the people to emigrate to the United States in a large number?

Mr. GROSSHANDLER. Of course you do find a whole lot of men, as I have come in contact with them. You happen to meet those men that worked in America before the war and went back to their own country, and they were working here for years and of course have families, and the reason they went back is that they went back during the war, and they could not come back. Then, of course, I may make it broader, so that it will give you a conception and give you the psychology of the masses that prevail in Europe to-day. I might just as well say to you honestly, you ask one out of a hundred men if they want to come to America, and you will get a response ninety-nine times out of a hundred that they want to come to America. Those are the conditions. When you meet these conditions, Mr. Chairman, you have no more questions to ask, because everybody wants to come to America.

Mr. CABLE. How many people did you ask that question?

Mr. GROSSHANDLER. I have asked that question by the thousands.

Mr. CABLE. When you were in Europe?

Mr. GROSSHANDLER. Yes, sir.

Mr. CABLE. All classes, do you think?

Mr. GROSSHANDLER. Yes; everybody; tradesmen, professional men, etc.

Mr. CABLE. And if we did not have the 3 per cent law all would migrate here?

Mr. GROSSHANDLER. I believe, of course—I will be honest with you—if the doors were open now, you might just as well figure, if the boats could carry them, by the millions; but here is a proposition: It will take a man four years to make enough money before he is able to have enough to pay his passage to come to America.

Mr. WATKINS. Suppose the farmer would desire to sell out everything he had to come here, could he get enough money?

Mr. GROSSHANDLER. Well, of course, take the agrarian; he does not want to sell his farm. He wants to stick on the farm.

The CHAIRMAN. You realize if he must come into America, that is, if immigrants came into America in large numbers, steerage rates would be lower.

Mr. GROSSHANDLER. I did not get the question.

The CHAIRMAN. If a large immigration would get in, steerage rates would be lower?

Mr. GROSSHANDLER. Of course.

The CHAIRMAN. The steamship companies would make that their business, and thereby reduce steerage passage?

Mr. GROSSHANDLER. Yes, sir; that is correct.

The CHAIRMAN. In England, did you find work being refused to American citizens who had gone there as professionals?

Mr. GROSSHANDLER. Yes, sir; I have had the pleasure of meeting our leading authors, and some of them, they did not even let them off their boat, and they were disgusted.

The CHAIRMAN. What was the reason the English did not leave them off the boat?

Mr. GROSSHANDLER. The reason that there was a large unemployment among the artists. I happened to meet Mr. Henry Satter, who is a great artist and musician, and he said the only way we will let you in is provided you will have a substitute for each man. In other words, the way in which that proposition was worked was like this: If a man came in there and played on the piano, or performed artistic work in any way, he must have a substitute there sitting beside him, and if under the circumstances he was sitting there and not playing, he must draw the full salary that the artist was receiving.

The CHAIRMAN. That is for the protection of the British unemployed?

Mr. GROSSHANDLER. Yes, sir.

Mr. CABLE. You say the farmers do not want to come over here?

Mr. GROSSHANDLER. That is true of the farmers I admit, especially in Slovakia and Hungary and other countries in central Europe, Yugoslavia, Banat, for instance, one of the largest, most scientific farming sections over there in central Europe, especially in the Yugoslavian territory, which used to belong to the Austro-Hungarian Empire; it is the finest wheat-producing country in the world, I might say. Of course, you meet there prosperous men on the farms, but the farmer to-day, Members of Congress, does not sell his products to the city. The reason they say is this: What is the use to raise more crops and trying to sell them? The currency they get is practically worthless. They can not get anything for the crops they raise. If a man wants to buy a horse, a pig, a plow, a cow, a calf, he will have to raise for five years enough wheat to buy a plow, a pig, a calf, a cow, the reason being the exchange fluctuates, but so far as his wheat is concerned, it takes time to create that wheat, and when he has created that wheat, the purchasing power of that wheat, when he seeds it, and the time has expired in six months, he finds out he can buy nothing for it, just the same as the man who goes to work at 8 o'clock, or for that matter, 7 o'clock in the morning, and at 5 o'clock he gets off and he receives his pay. He knows that that money can not buy a box of matches even, owing to the uncertainty of the conditions that prevail over there as far as the monetary system is concerned.

Mr. WHITE. Will you go one step further? You corroborate frequent public statements in the public press, that farmers in those countries (and do you include farmers generally) are refusing to sell their produce, and have degraded the country and are bartering?

Mr. GROSSHANDLER. Yes, sir; I have been present, Congressmen, when a fellow—it was in Hungary—he gave chickens to a fellow to bring in a pair of boots. The fellow that bought the chickens assured him that he would bring in a pair of boots, which will be all right for the coming winter. I have seen that.

The CHAIRMAN. You found distress in all the countries?

Mr. GROSSHANDLER. Yes, sir; with the exception of Czechoslovakia, meaning Bohemia. They are two, separate, distinct countries. Their currency is stabilized, and if it fluctuates it fluctuates just two or three points up or down.

Mr. RAKER. Bohemia means what country now?

Mr. GROSSHANDLER. Bohemia is Czecho.

Mr. RAKER. Is it Czechoslovakia?

Mr. GROSSHANDLER. Czechoslovakia is a different country; in fact, it was under the jurisdiction of the Hungarian Government.

Mr. RAKER. And Bohemia is part of Czechoslovakia?

Mr. GROSSHANDLER. Czecho is Bohemia; Slovak is Slovakia that used to be.

Mr. RAKER. It is one country now?

Mr. GROSSHANDLER. It is one country now, just the same as formerly Austria and Hungary included all those countries.

Now it is Czecho and Slovakia. In Slovakia or Slovak—and they have taken in two and a half million Hungarians, where there is hate and dissension prevailing among this element, just as I said to you, honorable Chairman—everybody hates everybody in Continental Europe; and those are the feelings, and that is the reason that I have come out and advocated selective immigration, and I say that for the present America can not afford to bring in an element that has in heart and soul hate, and not only that, but I have also found that there is a certain element there that is not in conformity with this Government of ours. They have a certain idea of socialism, and along those lines I am unalterably opposed. I am unalterably opposed to that class being admitted into the United States of America.

The CHAIRMAN. Do you not find that very idea growing in the valleys where you have had your home?

Mr. GROSSHANDLER. What do you mean?

The CHAIRMAN. A desire to overthrow this Government as acknowledged?

Mr. GROSSHANDLER. Well, those conditions prevail, as everybody you meet there, everybody talks politics, and there is no constructive program there.

Mr. WATKINS. Is that in Ohio?

Mr. CABLE. I object, if he refers to Ohio.

The CHAIRMAN. Did you not find the same results growing in the Mahoning Valley in America?

Mr. GROSSHANDLER. In America we have a certain element here that I believe ought to be deported. There is a great undercurrent, but a great undercurrent that is coming from certain classes, of course, as I said this immigration is a little responsible for it, and I may illustrate to you a little proposition that happened not long ago.

Of course, I realize that this law that we have here is an emergency law proposition, and it was an absolute necessity for economic reasons; otherwise this country of ours would have been in chaos, and I say



some of the steamship companies would have to build additional boats to carry them over, but I met a gentleman who has appealed to me; he has been in this country for about 15 years. He had his family over there; in fact is still over there, and for an unknown reason he was unable to get his family over here. It was a wife and five children involved.

Mr. BOX. When did he first fail? Did he fail recently or way back yonder? When was it?

Mr. GROSSHANDLER. Last year.

Mr. BOX. He left them there for 12 or 15 years without trying to bring them?

Mr. GROSSHANDLER. Yes; but now he wants to bring his family here. The proposition is that this fellow was telling me: He has been working here for 15 years, he is an honest man, he is trying to do the right thing, and he says to me, "Why is it that I can not bring my family here to America? Have I done anything wrong?" "As far as I know I have known you for a long time and you have been a pretty good, a substantial citizen."

The CHAIRMAN. He is a citizen of the United States, is he?

Mr. GROSSHANDLER. Yes, sir. Well, I went into this proposition personally and made an investigation. Well, of course, I do not want to relate all of it here. It was an awful mixup, but nevertheless it has worked a hardship on this man in my own home town, Youngstown. Well, this fellow made a remark to me that it is a wonder and it sometimes makes a man become a Bolshevik. Well, I have heard those remarks, Members of Congress, by the hundreds.

Mr. BOX. Bolshevism is the first thing that comes into their mind when they feel a little resentful.

Mr. GROSSHANDLER. Yes, it is.

Coming back to my idea of immigration, I feel that the men that live in America, and have their families abroad, should be unquestionably put on the preferential list, and even if it be possible to call them an absolutely nonquota immigrant, because I have been living in the steel belt for 23 years, and I worked on the farm before I became a publisher, and I have lived there, and I know when it comes to the question of assimilation, and good citizenship, that our country is concerned for the present—I know our country is concerned with that at the present time. The personal experience and personal touch, I must say to you further, gentlemen of Congress, that I have fought at all times the so-called radical element that have tried to bring in an idea that is animated among those classes. I believe that it is contrary to the principles upon which this country of ours stands. I have advocated that practically since I have been a publisher, going on for 12 years.

What I want to say is that the families should be on the preferential list and admitted, because I want to say to you, honestly, gentlemen, that I feel the cause that bringing the great distrust among the large masses is the question of the families over there, the men here who are not able to get them into America.

Mr. RAKER. How can you come to this conclusion with this one case you name, this man who for 15 years has not brought his wife and children over here?

Mr. GROSSHANDLER. Well, I will call attention to the war: During the war period it was practically from 1914 to 1919, a lapse of five

years that he could not bring his family out. Of course, he would have brought his family if the war had not been on, and you will find, Congressmen, cases by the hundreds, and I do not find any men to question the good citizenship of those men, and I see their good timber in our Government. They are producers. I must stand by those men, and I am fighting the other element that is trying to bring about bad conditions.

Mr. RAKER. Could he not have brought his wife over in 1921 or 1922?

Mr. GROSSHANDLER. I think his family is over now. He finally got them over.

Mr. RAKER. He has not any complaint to make now at all?

Mr. GROSSHANDLER. He tried it for a year and a half.

Mr. RAKER. But he waited for 14 years and when he did try, he got it so that he got them over, and he has not had much of a complaint to make.

Mr. GROSSHANDLER. The complaint, so far as that one man is concerned, I believe is over.

The CHAIRMAN. Did some of his relatives want to bring their relatives?

Mr. GROSSHANDLER. That is something I could not answer. In my office I could have had an immigration interview with a great number of people. I do not participate in that except in a very few exceptional cases.

Mr. RAKER. You would be in favor of excluding all people who believe in communism?

Mr. GROSSHANDLER. Without any question or doubt whatsoever.

Mr. RAKER. You think it ought to be done now?

Mr. GROSSHANDLER. Absolutely, absolutely.

Mr. RAKER. You believe that will be one of the best things we can do on this immigration law now, and you believe that no person who believes in communism should be admitted in the United States?

Mr. GROSSHANDLER. I will say three times no, and a hundred times no.

Mr. Box. In your visit to Europe and your association with the people there, you believe in it very strongly, more strongly than before?

Mr. GROSSHANDLER. Yes, sir; a certain amount, a certain percentage.

Mr. RAKER. That will include the mechanic who believes in communism?

Mr. GROSSHANDLER. Well, of course, you will find them in the larger cities.

Mr. RAKER. I want to be specific on that matter. A man in Europe who believes in communism, if he is a mechanic, should not be permitted to enter the United States?

Mr. GROSSHANDLER. I could not say that, Congressman.

Mr. RAKER. Why not?

Mr. GROSSHANDLER. I could not go to work and charge that one might be a communist.

Mr. RAKER. If a man believes in communism you would exclude him?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. Whether he is a mechanic, farmer, teacher, minister, or doctor, lawyer, or what might be his profession, you would still exclude him?

Mr. GROSSHANDLER. Absolutely I would.

Mr. RAKER. That is what I wanted to get.

Mr. GROSSHANDLER. That is more specific.

Mr. RAKER. And you would believe that that would be one of the good features that we could put upon the immigration law?

Mr. GROSSHANDLER. Yes, sir; that is the reason, of course, I advocate a selective immigration.

Mr. RAKER. That would not apply to any selection there.

Mr. GROSSHANDLER. How could you determine that?

Mr. RAKER. If he is, we will determine that later; if he is a communist and believes in it, and if he teaches it or advocates it, he should be excluded.

Mr. GROSSHANDLER. Yes, sir; absolutely.

Mr. RAKER. We have got him out; we will keep him out. Now let us get down to the selective immigration. What do you mean by that?

Mr. GROSSHANDLER. I mean this, Congressman, that a man, when he contemplates to emigrate, to America, that he should fill out an application and present it to our consul, and by doing so, you will not transgress upon the sovereignty of those respective countries, as I have gone into this thing. You can turn it down without giving him a visé, and then you have the entire history of the man, because in his application he must state his organization, how long he lived in this community, and what his neighbors know about him.

Mr. RAKER. That is what you mean by selective immigration?

Mr. GROSSHANDLER. That is what I mean by selective immigration.

Mr. RAKER. In other words, you would have the proper governmental official in the United States prepare a statement or affidavit?

Mr. GROSSHANDLER. An affidavit; yes, sir.

Mr. RAKER. For this man to present, which would show his life's history show his organization, where he works and lives, and all.

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. And if it met with the requirements of the immigration law, you would give him a visé?

Mr. GROSSHANDLER. Yes; a visé.

Mr. RAKER. Would you not leave him to determine if it is called to his attention that he knows that he is to be excluded, rather than have somebody over there, who might rightfully or wrongfully act upon it, give him a chance to use his own volition rather than put a subordinate officer over there to eliminate him, to say whether or not he should be admitted?

Mr. GROSSHANDLER. Well, it is a problem, I admit; but here is a thing, on the other hand. You must not forget I have seen it, and it is the only way you are able to realize it. We can come before you and give you the figures and facts, but I believe in actual conditions which you see with your eyes. I have seen there people; they have sold all their belongings and have traveled thousands and thousands of miles to reach our shores, and when they land at Ellis Island they are turned down and back; and I want to say to you, Congressmen, no man with red blood and a white man wants to see them going through those terrible conditions, when they are

turned back. And I say this, as an American citizen, there is something mighty radically wrong with civilization.

Mr. RAKER. If he is not admissible, we are not wrong. If he is diseased, he has no complaint if he is turned back.

Mr. GROSSHANDLER. Well, of course, but I may call your attention, and I must commend an American doctor, a Doctor Purnell, stationed at Cherbourg who is the first American doctor that has established at the receiving station one of the finest—the finest dispensaries for examining immigrants that I have seen anywhere in Continental Europe or right here in America.

Mr. RAKER. All right. If the immigrant makes the statement that we have designated that shows he is not admissible, and he still persists in trying to get in, he has not anybody to blame but himself?

Mr. GROSSHANDLER. Of course, you know, Congressmen, people there, what I would call a man afflicted with a disease, is most likely ignorant, and it is up to us to enlighten this emigrant before he leaves his destination; and I further advocate, which I believe, and I have got information on that, which I believe is not in conflict, if we delegate our American doctors to certain points where, in conjunction with others, they will cooperate with the native doctors, and I would call a committee to determine that.

Mr. RAKER. Did you not realize we had a head surgeon in Europe, who used to be the Surgeon General of the United States, who has some 45 medical men under him scattered all over Europe doing this thing?

Mr. GROSSHANDLER. It was not done scientifically.

Mr. RAKER. You realize that is being done?

Mr. GROSSHANDLER. I realize that is being done: yes.

Mr. RAKER. And you further realize that to-day under the law the steamship company has the duty imposed upon it not to take on board a diseased person?

Mr. GROSSHANDLER. I know that.

Mr. RAKER. And they make examinations, do they not?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. Notwithstanding all, when it shows that they are not qualified to enter, they still persist in coming; isn't that true?

Mr. GROSSHANDLER. Yes; it is true; it is natural. You can not deny the fact that I have stated, that ninety-nine out of one hundred persons want to come to America. That is quite a broad question, when you ask me that, but I will answer you, 99 per cent want to come.

Mr. RAKER. I agree with you. I went through the same territory that you did.

Mr. GROSSHANDLER. You and I were having an argument a while ago.

Mr. RAKER. No; we were not. You are presenting it in good shape, but I want to find out how you will keep people from complaining against the law.

Mr. GROSSHANDLER. It is human nature that those things will prevail.

Mr. RAKER. But if you had your selective immigration, which is in the bills before the committee here, if we make it final over there, we lose all jurisdiction, all control of the matter on the American shore, and we should never do that.

Mr. GROSSHANDLER. Of course, I see your point. Of course we do not want to lose our jurisdiction. The final say-so shall be at the receiving station, but I feel under the plan that I have in mind, and I am suggesting here to you, will at least give a man the benefit of the doubt, and it will give a lot of them a chance to come in.

Mr. RAKER. We have that plan in the bill proposed, but I am asking for information; you would not make that affidavit and visé over there final, would you?

Mr. GROSSHANDLER. That is a question I could not answer, because I am not a lawyer.

Mr. RAKER. What I am trying to get at is that you believe the American Government should keep control of it, do you not?

Mr. GROSSHANDLER. I do, of course.

Mr. RAKER. And whichever plan is adopted, there is bound to be some one complain and to be some question of priority?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. That is right, is it not?

Mr. GROSSHANDLER. Yes, it is right.

Mr. RAKER. You are in favor of restricting immigration?

Mr. GROSSHANDLER. Unquestionably.

Mr. RAKER. But you think we have gone too far?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. And that the people that you speak of ought to be excluded for many reasons at the present time?

Mr. GROSSHANDLER. The people I have reference to, Congressman, there is no argument about that. I do not even want to mention that type of men. I am interested in the type of men that we, as Americans, are able to assimilate and make good, substantial American citizens out of. I am primarily interested along those lines; and the others are practically ignored, so far as I am concerned.

Mr. RAKER. You have had a splendid opportunity of familiarizing yourself with it. You publish how many foreign-language papers?

Mr. GROSSHANDLER. I publish two.

Mr. RAKER. The communist committee of Moscow or Russia has sent over a letter to the Workers Party of America, and they use this language: "The language federations are essential for propaganda among the foreign-born workers and must be retained for that purpose"—referring to the foreign-language papers. What have you to say to that statement?

Mr. GROSSHANDLER. I would be very glad to answer that question. I am primarily interested in that myself. There are only five or six papers published here in this country which are foreign-language newspapers that are radical. But I could enumerate to you papers like the Hungarian Daily and the People's Voice, published in New York, and the Hungarian daily published in Cleveland called The Liberty.

Of course, as to my own publication you may ask my neighbors where I live what stand I have taken as far as the radical end is concerned.

We keep a pretty close touch among ourselves, and we are fighting the radical foreign-language newspapers every day in the year. You have only one illustration in your hand, Congressman, of the necessity of eliminating and eradicating the radical foreign press and that is

to permit and facilitate the foreign-language press that believes in the principles of Americanism. We have done that for years. Primarily, I keep those two papers going for that purpose. They have been a great loss to me financially in the last three or four years. I am keeping them alive for the purpose of fighting that very objectionable element.

Mr. RAKER. Would you have any objection to giving us the names of those radical foreign-language papers?

Mr. GROSSHANDLER. I would be very glad to send you a list of the radical papers in this country, and I hope to God that the quicker you fire them out of this country the better I will like it. I mean that. I shall give you all the names of those papers. I will write into New York and instruct my secretary to give me those names.

Mr. RAKER. Send them to the chairman of the committee, so that they may be printed.

Mr. GROSSHANDLER. I will do that. I am occasionally in touch with the honorable chairman here.

Mr. RAKER. I will ask you this question, because as I get it from this letter they hope to continue the foreign-language papers for the purpose of the propagandizing of communism in this country.

Mr. GROSSHANDLER. Congressman, you can not question the Americanism of a man like Colonel Cherna, of Cleveland Ohio, or of a man like Doctor De Berko, of New York, or myself; and I could enumerate hundreds of men who have lived in and loved America for years and who have promulgated the interests of Americanism, and who have been inculcating American principles among the foreign people. You can not question the Americanism of many of those men, and they have proven conclusively to you in the war period what the foreign-language press has done.

Mr. RAKER. Then the foreign language papers ought to repudiate such a statement as this, had they not?

Mr. GROSSHANDLER. They do repudiate it daily.

Mr. WATKINS. Do they make a practice of reporting that to the Department of Justice?

Mr. GROSSHANDLER. Unquestionably; those papers are opposing that sort of thing daily.

The CHAIRMAN. Are you acquainted with William Edlin, of New York?

Mr. GROSSHANDLER. I have heard of him, but I do not know him.

The CHAIRMAN. He is put forward as representing the United Foreign-Language Newspapers. What is that organization?

Mr. GROSSHANDLER. I can not make a specific statement, but I want to say to you that in the last 3 or 4 or 5 or 10 years some similar agency suddenly springs up in New York just like mushrooms overnight and tries to put themselves forward as representing the foreign-language newspapers of this country; and I emphatically deny that they have the right to claim any such representation. They are making out of this thing, Congressman, purely a business proposition; and because of some of these parasites in New York that have prostituted the principles of the foreign press in America, of course, because of that, you can not hold responsible the individual publisher.

Mr. RAKER. Have you up to this time presented an editorial naming these papers and telling your people that these are the

papers that ought to be suppressed, and that they are teaching and advocating communism and doctrines that are likely to be destructive of this country if they should continue?

Mr. GROSSHANDLER. I can give you an article appearing last week in my paper. We have discovered that somewhere in that neighborhood there were some children taught along those lines of communism, and we are knocking it in the head, because we ourselves are conscious of that danger, and we know that when a propaganda like that is given a chance to develop itself it hurts all of us, and we try to protect our fair name, in which we believe.

The only weapon you have, Congressman, in America against that evil is the foreign-language press, in its ability to enlighten the so-called non-English reading and speaking people in America, and to tell them what America stands for, what its principles are, and what America has done for them. If you should try to deprive them of that literature, I am afraid Congressman, we are going to have the trouble you are talking about here. The only weapon you have in your hand to-day is that very foreign-language press. What I mean is that we say we are American in principle, and I can show you hundreds and hundreds of those papers here in America.

The CHAIRMAN. Then those foreign-language papers have to work hard to keep up the idea of American institutions among the foreign people that come to the United States?

Mr. GROSSHANDLER. Unquestionably, Congressman; and I can show you that by the thousands and thousands and millions.

The CHAIRMAN. The more people coming will mean the greater number of foreign-language papers necessary to keep the people up to key?

Mr. GROSSHANDLER. I have been approached for years by the antiimmigrationists, saying, "You advocate a certain amount of foreign matter. You want more subscribers." I deny that, for the reason that our papers practically print English daily in their respective languages. I defy any institution in America, Congressman, to show specifically that it has done more good in the matter of Americanism than the foreign-language press in enlightening the newcomer as to what America stands for and what America is willing to do for them. The trouble is, Congressman, too much commercialism was used in the last few years, and that proselyted that foreign-language immigrant and made him the goat; and therefore we advocate alien enrollments in America to keep these parasites away from that poor fellow coming to America.

Mr. RAKER. This is a letter that was sent from Russia, as I understand it.

Mr. BOX. Did not they go to Members of Congress?

Mr. VINCENT. I got one.

Mr. RAKER (reading):

The struggles in the United States are among the bloodiest in the world. The power of the capitalist press is tremendous. The workers have no real expression throughout the country and hence are exposed to misrepresentation and distortion of fact, which is one of the methods that the capitalists' class of America employs in order to crush the labor movement. The communists' daily must become the organ not of the revolutionists alone but of the whole working class. Hence the whole strength of the party must be mobilized for the establishment of the daily, which should be the forerunner of more revolutionary dailies in other parts of the country.

To accomplish this task and to put the daily on a sound basis the membership must be drawn into close relationship with one another. The language federations constituting the party are a necessity and yet are a hindrance to uniform action of the membership. The language federations are essential for propaganda among the foreign-born workers and must be retained for that purpose. Within the party, however, there should be created international branches comprising all the membership, regardless of language. Thus members of all nationalities and negro workers will be grouped in uniform branches and work together on the problems confronting the party. This will produce greater mobility and lead to the inner harmony that is fundamental to all communist action.

Now, they have referred to the foreign-language papers, and what would you have to say about this grouping together of these communists and the negroes for the purpose of undermining and overturning this country's Government?

Mr. GROSSHANDLER. I will answer the question, Congressman, but of course I know what they advocate. I know just exactly. I had read just what you have there in that paper. I am keeping very closely in touch with those things. They have been advocating this, I know, but how will you account for it in case the foreign-language press is prohibited from being published in America? What other ways and means have you to convey the fundamental principles upon which America was founded to the non-English speaking people that we have here in America? If you can show me that you have other ways and means to convey the message to them, I will be convinced that I am wrong and then I am through. Of course, when they call the foreign-language press communistic, it does not include me, I hope, and does not include the men I have mentioned, who are outstanding figures to-day in American political and social life. I do not believe their Americanism is questioned.

Mr. RAKER. What I was getting at now is—your statement is very valuable and instructive to the committee—have the foreign-language papers refuted this insinuation?

Mr. GROSSHANDLER. Unquestionably, daily. Of course, you have papers in New York that are socialistically inclined. We are fighting them daily.

Mr. RAKER. They repudiate the socialist in this document. I have not come to that yet. I just wanted to get you to explain the essential situation. They repudiate the American Federation of Labor?

Mr. GROSSHANDLER. The American Federation of Labor; yes, sir.

Mr. RAKER. So, what I was trying to get at was whether in your estimation there had been a general movement on the part of the foreign-language papers repudiating any connection with such as that.

Mr. GROSSHANDLER. I make my answer specific, Congressman; yes. I know I have, and I know all my friends have. We have in Ohio what we call the Foreign-language Publishers' Association, and we have a charter that specifically prescribes that only American citizens can be members of that association, and we are pledged in that at any time in the future to fight the radical foreign-language press as they become as a whole a danger to our legitimate publications.

Mr. RAKER. Just a question and then I am through. You have spoken quite energetically and feelingly on the question of the admission of relatives. Would you admit the relatives of people now living in the United States, whether they are citizens or not, if



those people who desired to be admitted were communists or believed in communism?

Mr. GROSSHANDLER. I say this: Any man who is a communist in America should be deported so as to keep that family out of America; I am afraid when they come to America he will make communists out of them. I would advocate that, if it is constitutional. Some of them are American citizens and have just as much right as I or anybody else.

Mr. RAKER. He has no right to bring his relatives here if the relatives are communists. You would be in favor of refusing the communists' relatives admission?

Mr. GROSSHANDLER. Absolutely. There are thousands of them who have families over there. When a law like that is passed it will eradicate those automatically.

Mr. RAKER. We will have the support of the foreign-language papers in reference to that?

Mr. GROSSHANDLER. Absolutely.

Mr. HOLADAY. I understood the publication of your two foreign-language papers had not been profitable the last two or three years?

Mr. GROSSHANDLER. Yes.

Mr. HOLADAY. Is there any reason for that that has a bearing on this immigration question?

Mr. GROSSHANDLER. No bearing whatsoever. I am purely keeping those papers going because it is a hobby with me. I am of Hungarian birth.

Mr. HOLADAY. Why is it they are not profitable?

Mr. GROSSHANDLER. Sir?

Mr. HOLADAY. Why is it the publishing of these papers has not been profitable? Is it because the foreign-speaking people are not reading the foreign papers as much as they did?

Mr. GROSSHANDLER. Of course, you hit the nail on the head. We are Americanizing them so—we tell them daily to read the English papers. That is the only way for them to learn the English language, and, of course, we lose subscriptions in that way every year.

Mr. VINCENT. You are actually teaching them in your papers to learn how to read English, are you?

Mr. GROSSHANDLER. Yes, sir. The Constitution of the United States is translated into the respective languages and in English. When the men come before the courts to take out citizenship papers I want to say to you honestly and sincerely that some of them are pretty well qualified and equipped to answer the judge's question, so far as the Constitution is concerned, and how our Government functions.

Mr. WATKINS. From your testimony, I gather that you would oppose and object to the prohibition of publishing of newspapers in a foreign tongue. Now, as long as these papers are printed in the foreign tongue will not the foreign born just to that extent keep from learning the English language?

Mr. GROSSHANDLER. No.

Mr. WATKINS. You do not think so?

Mr. GROSSHANDLER. No, sir.

Mr. WATKINS. You state you keep up with these papers pretty well. How many languages do you speak?

Mr. GROSSHANDLER. Personally?

Mr. WATKINS. Yes.

Mr. GROSSHANDLER. Myself?

Mr. WATKINS. Yes.

Mr. GROSSHANDLER. Well, I speak German—that is my mother language; I also speak Hungarian.

Mr. WATKINS. How many, I say. I do not want you to catalogue them. Four or five?

Mr. GROSSHANDLER. Five; yes.

Mr. WATKINS. How do you know but that those papers printed in those languages you do not speak are radically un-American; for instance, I refer to the Japanese papers printed on the Pacific coast?

Mr. GROSSHANDLER. Well, I promised—

Mr. WATKINS (interposing). I mean, how do you know but what they have not in the past and are not now printed in a non-American and un-American way?

Mr. GROSSHANDLER. My dear Congressman, you are asking me a question. I am not a censor to know just exactly that there are, I do not know how many hundreds of newspapers—

Mr. Box (interposing). About 1,400?

Mr. GROSSHANDLER. Yes; and out of the 1,400 I will present a list to your chairman showing exactly how many there are which are radical papers, and I am sorry to say that there are quite a bunch of Finnish papers in this country that are in the majority radical, and there is only one Hungarian radical paper in the entire United States.

Mr. WATKINS. Can you read Finnish?

Mr. GROSSHANDLER. No, sir; I can not.

Mr. WATKINS. I just wanted to know, because we convicted one of them out in Oregon during the war. Might not those papers, though now patriotic, be un-American if a war should arise between the United States and that country whose language these newspapers published?

Mr. GROSSHANDLER. Well, it has been conclusively proven the stand the foreign-language papers took during the war period. I am of Hungarian extraction. One of my parents was Hungarian and the other German. Both countries were involved. But, nevertheless, I have taken the stand for America.

Mr. WATKINS. But did not a lot of those papers take the opposite position?

Mr. GROSSHANDLER. Of course, as even your English papers did.

Mr. WATKINS. We can keep up with them, but we have to hire interpreters to keep up with your kind. What would you say about the policy of exclusion entirely for a few years—keep everybody out?

Mr. GROSSHANDLER. Everybody out?

Mr. WATKINS. Yes, for five or six years, except kinsfolk, say.

Mr. GROSSHANDLER. Of course, it is an industrial question.

Mr. WATKINS. It is an industrial question.

Mr. GROSSHANDLER. And it is an economic question. Of course, I am answering you honestly. Before the war I happened to live in a town in the steel belt, and I know in the old days when there was work men used to immigrate, and when there was no work, I could see down at the station lines by the hundreds and they would migrate back. And then, of course, when there was a resumption of work each brother would write to John: "Come to America; there is work now." Those conditions prevailed in the old days.

But there is another point I might enlighten you on. Of course it is an unhealthy policy. I do not believe in transitory propositions; I am a firm believer in settling down. I believe absolutely in a settler. The prime factor in America is home ownership. The fellow who comes and remains only until he gets a certain amount of money and then returns across the water is not very valuable to a community. But, on the other hand, we must not overlook the fact that every time that poor Hungarian or Slav who has received \$1 in wages has always given a return of \$2, and I defy anyone to question that—his balance sheet shows in his favor. Of course, I am not going to dwell along those lines.

Mr. WATKINS. Would you favor excluding for several years everybody except kinsfolks, like dependent minor children, wives and husbands?

Mr. GROSSHANDLER. I favor selective immigration and I favor the present law of 3 per cent and think that should be kept on the statute books, and, of course, it is up to Congress to work out the time.

Mr. WATKINS. You do not think it would be a good thing to take the 1890 census instead of the 1910?

Mr. GROSSHANDLER. The 1890 census, of course, your honorable chairman and I do not agree about. I believe there will be discrimination there, and if you are going to bring in the 1890 census you are going to have a large majority of unsatisfied American citizens which I am afraid will lead to the other extreme.

The CHAIRMAN. In going back to the 1890 census, do you think it would be all right to let the boundaries of four figures be as they were at that time; that is, let all of Austro-Hungary be Austro-Hungary for the purpose of determining the quota from the country that is now Austro-Hungary?

Mr. GROSSHANDLER. Of course, that would be all right; but take the country that I hail from; under the 1890 census Hungary would get 547 immigrants, and I believe—I am not trying to defend a particular country—in a fair and square deal to all as an American, and that you would unquestionably discriminate against a mighty good element that has made good in America, and we have conclusive proof that is so.

The CHAIRMAN. If all of Austro-Hungary was considered as one territory, as it was in 1890, you would get more than 400 or 500.

Mr. GROSSHANDLER. Then you would include——

The CHAIRMAN (interposing). Everything that was Austro-Hungary in 1890?

Mr. GROSSHANDLER. Yes. That would be different; but how, then, would you determine? Your fight will come in between Yugoslavia, Hungary, Austria, and Czechoslovakia; each will claim more; that is the trouble you will have, Congressman.

The CHAIRMAN. You are fighting all the time anyway. [Laughter.]

Mr. GROSSHANDLER. But we do not want to bring any more fights than they have now.

Mr. BOX. I want you to talk with me just a minute about the selection abroad. You know what we do in the selection we make here?

Mr. GROSSHANDLER. Yes, sir.

Mr. BOX. You know what these tests are in the law?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. And how we apply them?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. We have, first, an examination by the Health Service.

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. Then a primary inspection by the inspector.

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. And then, if necessary, it goes before a board of inquiry; and then later it can be appealed to the Secretary of Labor. All those authorities pass on the immigrant in selecting him here. Just specifically what agencies would you suggest that our Government set up abroad to correspond with those agencies here? We will take health: How would you determine about the health and the general physique, the make-up of the immigrant? How would you determine it over there? Just take that one detail at first.

Mr. GROSSHANDLER. Now, then, I will answer the question as intelligently as I know how from a health standpoint. I am somewhat of a medical student myself. I have already mentioned Doctor Purnell. He is going as far now as making blood tests.

Mr. Box. I want to abbreviate it if I can and be fair to you and to the committee. Would you set up agencies over there for medical examination?

Mr. GROSSHANDLER. Unquestionably; I advocate that; yes, sir.

Mr. Box. Let us talk about that. Can you name for the committee a single country that has indicated that it would do that? I am not talking about talks at dinners or newspapers. I am talking about the official documents. You know what men say at dinners is one thing and what they do in diplomatic matters is another thing. Can you name to the committee a single country that has indicated it would do that—I mean officially, so that our Government and this committee can act on it?

Mr. GROSSHANDLER. I have discussed this question with some of the statesmen over there, and some of them have voiced the sentiment that they would have no objections, and he puts in the proviso and says, "Yes; when a man comes up to your consul"——

Mr. Box (interposing). Just talking over there?

Mr. GROSSHANDLER. Just talking. And, of course, I am only giving to you the sentiment.

Mr. Box. I want to suggest the fact to you as a student of this matter. I do not mean to flatter you, but you are talking to us in a very interesting way. Suppose you had the official record of your Government for 20 years advising that no country would permit it, and the diplomatic papers here, the reports by our Department of State, the records made by such men as Senator Lodge and others, showed that that could not be done, and that if it could be done it would have to be by the making of new treaties, none of which have been made; that it has been mooted for 20 years, and that there have been efforts in that direction.

Now, what fact do you, as an intelligent citizen, base the suggestion that this committee ought now to assume that that has been done or will be immediately done, which we have not been able to do for 20 years? If that is a fact, if I have stated the facts about the condition of the diplomatic record, what would be your answer to that?

Mr. GROSSHANDLER. My answer to that, Congressman, would be that as time goes on—of course, time changes—

Mr. Box (interposing). I am talking about the purpose of this bill, sir.

Mr. GROSSHANDLER. Yes, sir; I will refer to this bill; and I believe for the good of this country and for the good of the other countries, to eliminate the hardships of their immigrants when they come to this country and have to go back, I believe that they will concede the idea that it is the most logical thing to do and that it would be fairer.

Mr. Box. Then you believe that this committee, hoping that they will do that, should assume that they will?

Mr. GROSSHANDLER. Yes.

Mr. Box. And should pass a law now based on the assumption that treaties will be made which have not been made?

Mr. GROSSHANDLER. Of course, they can do that.

Mr. Box. Is not that true?

Mr. GROSSHANDLER. I am only suggesting—

Mr. Box (interposing). I understand. I know it is a suggestion. It is a very interesting one, but I want you to see the viewpoint of the committee.

Mr. GROSSHANDLER. You can not make a discrimination against a country, I understand.

Mr. Box. That is a fact, if you care to see it. I can show the record that sustains every fact I have stated. That is so much for the medical examination.

You mentioned a certificate or, rather, a declaration, first, that the prospective immigrant makes over there?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. Declaring that he is this, and that his family is that, and the other things that will make him, we will say, *prima facie* admissible?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. In your judgment, based on your knowledge of those people that you name, this 99 per cent that want to come over—on how many of those men could we depend to make an absolutely true statement when he had admission to America as the inducement to mislead? I would like to have as brief an answer as you can give, sir.

Mr. GROSSHANDLER. Of course, you have asked me a difficult question, Congressman. You have to largely depend upon the honesty of the respective Governments and the officials they employ to function along those lines to do what you say.

Mr. Box. Do you think that a notary public or a corresponding officer who takes his declaration in the service of a foreign country—that that man in Europe would be sufficiently regardful of our welfare that he would not let one of these poor fellows make a false statement, dealing with facts as distinguished from our general impulses? How many foreign officers would see to it that none of these people imposed on the United States?

Mr. GROSSHANDLER. Of course, I appreciate the question you ask. You have a check balance there in our consul or our officials over there that they will particularly handle that business.

Mr. Box. I ask you to state matters as they are. To be frank, you would not ask the United States to rely even on the statement of the immigrant or the foreign officer, alone?

Mr. GROSSHANDLER. No, sir; because they are some grafters over there.

Mr. Box. That is the plain truth; the committee knows that. I want to call your attention, in this connection, sir, to a statement made by the representative of the Rock Island Railroad before the Senate committee to the effect that 90 per cent—he had been in that business 10 years; I can give you the page of the record—of the men who are now admitted to the United States are admitted on perjured statements. That is what he says. I do not adopt his statement, but I call your attention to it.

Mr. GROSSHANDLER. Congressman, I could give you information, plainly speaking, which, if you had it in front of you, your hair would stand.

The CHAIRMAN. Explain that. You mean there has been a great deal of fraud?

Mr. GROSSHANDLER. Unquestionably.

Mr. Box. You have some measure of that fraud?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. A large measure of it in America?

Mr. GROSSHANDLER. Yes, sir.

Mr. Box. With all this supervision at home, with all this organization at home, how would you hope to avoid a much greater portion of it when it was done over there? Do you not think there would be more of it?

Mr. GROSSHANDLER. Of course, that is very true.

Mr. Box. Let us follow that a bit further. Suppose, after a man makes this sort of a declaration under those conditions, and he has told his story about how good an immigrant he is, and you give him a certificate; or, we will say, the consul looks him over, in addition to his other duties that already load him down, the consul who has had them line up there, as you have seen them—he looks them over, and he says, "I guess he told the truth," and he gives him a certificate; and suppose that 500 or 1,000 come with certificates thus made, and the steamship company brings them with a prima facie showing that they are entitled to admission, by what principle of justice or law or equity, as a layman knows it, would you fine that steamship company for bringing a man that we had given the once over and said ourselves prima facie he is admissible? By what principle would you make the steamship company take him back or punish them for bringing him?

Mr. GROSSHANDLER. You mean to punish an official over there?

Mr. Box. You know we now fine the steamship companies for bringing a man over illegally. Now, if we give him a prima facie showing based on cursory examination like that, what would you think of the justice of fining the steamship company for bringing a man over to whom we had given a certificate that would indicate that he in all probability would be admitted? Would you think we could in equity do that?

Mr. GROSSHANDLER. Not honestly.

Mr. Box. That is the point; that is all I want. Suppose on the other hand we could not fine—I think we could not, though that is not a very mature legal opinion, and still I would follow it up a good while before I would abandon it—suppose we would bring him over here and we have our agencies here. I think I could ask you ques-

tions that would convince you we can not do without them—and we turn him back. The man got his paper; you gave it to him, saying, "We are going to avoid the cruelty of sending you back; we are going to avoid the cruelty of sending your family back." The man got his paper on his ex parte declaration over there, O. K.'d by a crowded consul; and the steamship company brought him, and the steamship got out from under the penalty, and we rejected the man after he got here, after we had led him to believe we had selected him abroad, would there not be much more cry of hardship and injustice, and much more justice in the cry; what is your judgment about that?

Mr. GROSSHANDLER. That is a debatable question, Congressman.

Mr. Box. You think it is debatable if a man comes saying, "you have got to be examined and selected in America" in this case, knowing that he can be rejected; and in the other case you say, "We have made a selection abroad; we are not going to have this hardship; we are going to let you go over there now, and let you pay your money; and you have been selected."

In the last case, would he not have much more ground for believing that he was entitled to admission than he would in the first case?

Mr. GROSSHANDLER. Of course.

Mr. Box. Do you not think these hardship cases already embarrass the law to its serious injury?

Mr. GROSSHANDLER. Yes.

Mr. Box. Do you believe that a serious addition to the hardship cases would not very much more embarrass it? If there is any way to get this, I want it. But I do not want the Government to do a vain thing, and you do not.

Mr. GROSSHANDLER. No, sir.

Mr. Box. I wish you would think about those things, and if you have any further suggestions to make in that connection I wish you would submit them in your statement.

Mr. GROSSHANDLER. Well, as I said, I really was not prepared—this evidence I am giving you is absolutely impromptu. But as long as I was here, I said to the honorable chairman I would come in and give you my views as to the way I stand on immigration; and it is one of the biggest problems we have.

Mr. Box. And your statement has been exceedingly interesting to me and I am sure it has been to the other members of the committee.

Mr. RAKER. Just go a little further with your answer in response to the gentleman from Texas regarding graft being rampant abroad. That is true, is it not?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. These people applying for their visés, even if we have a selective certificate, if we put it in foreign hands it would be subject to these graft conditions?

Mr. GROSSHANDLER. For the reason I suggest, Congressman, that we send over there Americans to do the selection, transact the business in real honest-to-goodness American way.

Mr. VINCENT. You do appreciate the difficulties of doing that as expressed to you in Judge Box's questions, do you not?

Mr. GROSSHANDLER. Yes, sir.

Mr. VINCENT. You would not be in favor of preparing and enacting a bill here in Congress at this time that would have the danger of placing our immigration policy in the diplomatic field and taking it

out of the hands of the representatives of our own American people, would you?

Mr. GROSSHANDLER. No; I would not.

Mr. VINCENT. In other words, you would not make any part of our immigration policy a matter of barter and trade in the diplomatic field between our diplomatic representatives and those representing the foreign countries, would you?

Mr. GROSSHANDLER. I did not get that quite clear.

Mr. VINCENT. If we go to the foreign countries with the proposition that we desire to place our agents in their country for the purpose of making these examinations by our own agents, and they come back with the proposition that they will permit that to be done only if we yield some portion of our immigration policy to them, as a matter of barter and trade in the diplomatic field, we give them something in return for them permitting us to do this—you would not let our immigration policy slip into that condition, would you?

Mr. GROSSHANDLER. No; I would not give them one iota along those lines.

Mr. RAKER. You would be insistent, if such a policy of selection was adopted abroad, that all the officers administering it abroad should be American citizens?

Mr. GROSSHANDLER. Yes, sir; they should check.

Mr. RAKER. Would you make any distinction now, whether or not they were native-born citizens or naturalized citizens of the country in which they should do their work?

Mr. GROSSHANDLER. They should be Americans, absolutely.

Mr. RAKER. I wanted to get that opinion from you because you were abroad and heard a good many things and saw a good many things.

Mr. GROSSHANDLER. Anyone that would be sent over there would be persona grata, and absolutely should be a native American that is unbiased and honest.

Mr. RAKER. You would include in that the entire corps of assistants in the office, would you?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. So it would be functioning with a complete office; that the head man and all of his assistants that we send over there should be Americans, to do this work?

Mr. GROSSHANDLER. Yes, sir.

Mr. RAKER. How extensive would you make these places of examination—in every country?

Mr. GROSSHANDLER. Of course, you were there, Congressman, and you know.

I will explain to you: For instance, on Continental Europe, take Warsaw. They have to come in from a distance you know, from the interior of the various sections surrounding there. In Poland I would suggest that it would be made at two places, say, Krakow and Warsaw—for examination, or, rather I would call it the station where you select.

Take for example, in Hungary, say, Budapest; in Czechoslovakia, and you will have there two stations; in Slovakia one station, and one station in Prague, Bohemia. In Germany, on the other hand, you would have to have at least three stations, Berlin, Hamburg, and Bremen, and, of course, in the other section two—pick out geo-



graphically where it is most handy for the contemplated immigrant desirous of coming to America, and go there and make it easier for them to come, and get this thing without a large expense involved. It should be a nominal fee.

Mr. RAKER. You would have one in Hamburg?

Mr. GROSSHANDLER. Four stations, of course.

Mr. RAKER. And Bremen?

Mr. GROSSHANDLER. That would be too far, I guess.

Mr. RAKER. And one in southeastern Germany?

Mr. GROSSHANDLER. One in southeastern Germany, yes.

Mr. RAKER. In other words, they would be scattered two or three in some, and in others four or five, in the country?

Mr. GROSSHANDLER. In each country. One gentleman I happen to know—I do not care to mention his name—says, "Yes; we will give you some immigrants of the better type." The respective governments will not give a passport to a man who is eligible for the army.

Mr. Box. Now, will they give it to the most desirable in industry, will they, generally speaking?

Mr. GROSSHANDLER. Of course, they say, "We want to keep the desirables here."

Mr. Box. Do you think they will agree with us to help us do that which they most desire to avoid—"We want the best or none?" They want us to have the refuse, speaking generally—I do not mean they are all "refuse;" but they do not want us to top out the best, to the gentleman's phrase. They want to keep the best men for the army and for the industries. Will they let us go over there in their country to pick out their best and leave their least desirable?

Mr. GROSSHANDLER. It would not be quite natural. I employ about 50 people in my plant. You well know I will not let my best man go; in fact, I will raise his wages. I want to get rid of the fellow who is no good; that is also natural. And that same thing applies to the state, nation, and government. But when you are facing the condition as we do to-day, the uncertainties over there, I believe—and I honestly believe—I have met high-class mechanicians that would unquestionably be the most desirable citizens in our country and who would make good men, who would gladly come, and they are men who are used to a higher plane of living, and of course when they sell their labor over there they have not got enough money to buy food for their children. I want to say to you that I went down to certain districts—

(At this point Mr. Grosshandler made certain statements which the chairman directed the reporter to omit from the record.)

Mr. GROSSHANDLER (continuing). I have seen children from 8 up to 16 years of age naked.

I was very much interested in the printing industry. I met a pressman, and I will say to you that that man could get a job in a minute in America. There would be hundreds of employers waiting for him in Ellis Island to give him a job especially in the art printing industry to-day; and I believe your honorable chairman will bear me out, as he is in the same business; that we are up against it here in America for high-class mechanicians in the printing industry; and I am able to tell you that in the last seven or eight years I was getting printers from over there. They come into my plant and I Americanized them and they are working to-day in American shops. As soon

as they were wise to the game they left me. Of course I will not stop any man's progress. I say, "You go to it. The opportunity was presented to me and the same opportunity shall be presented to you."

Mr. RAKER. As long as there are people in America who can, will, and should do our work here, notwithstanding the deplorable conditions that you have described as having seen in these many countries through which you traveled, what is your view as to whether or not we should admit them into the United States?

Mr. GROSSHANDLER. I say this, Congressman, self-preservation is the first law of nature; that is an economic question. I say this: When there is unemployment in America there should be a check, an arrangement not to bring them in, as there is no use having them then. But I earnestly advocate as to some of the industries that need men, after it is specifically found that we can not get men here in America to do a certain class of work, that those men should be admitted into America to do the work; and I believe in the long run that that is sound judgment and good for the Nation.

In our steel belt there is a certain class that is able to withstand the work. Most of those men were Hungarians, Croatsians, Slavs, and Poles, and Italians; and the Congressman will bear me out, as we took him around and showed him how they lived.

Mr. RAKER. Will not the sons of these men who are here of the class and character you speak of now turn around and do this work that their fathers did?

Mr. GROSSHANDLER. I hardly believe they will. Congressman. We have too many white-collar men; and I know from experience-- of course I am a bachelor; I have no family.

Mr. BOX. We are sorry to hear it.

Mr. GROSSHANDLER. But I want to say to you, Congressman, you know every man who has a child says, "I don't want to see my child do the same thing I am doing." I know that in Youngstown and in Cleveland we have Slovakian and Hungarian descendants in the professions; they won't go to the mills.

I want to say this to you, and I speak honestly as a man: We have too many people to-day in America who watch the clock. In a way, there is no constructive work done.

Mr. RAKER. Now, are you going to continue having those people watch the clock more than they do now, and bringing up a further generation that watch the clock even closer than these do at present and permit immigration from foreign lands to come in and take their place?

Mr. GROSSHANDLER. No, I am unalterably opposed to that. But I believe that through legislation as you try to elaborate it to bring a certain amount in that will be remedied to a certain extent.

Mr. RAKER. Why not arrange the matter so that those who are here who are not working and who are watching the clock will do the work, by the men who employ them making it an object for them to do the work, rather than to spread out these people more than we are doing now by bringing them in.

Mr. GROSSHANDLER. Congressman, if you will show me how to solve that problem, I think you will be the biggest man in the world.

(Thereupon, at 2.15 o'clock p. m., the committee proceeded to informal discussion; and at 2.30 o'clock p. m. took a recess until 3 o'clock.)

## AFTER RECESS.

The committee reconvened, pursuant to recess, at 3.15 o'clock p. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. Without objection I will read to the committee and put in the record a telegram dated December 31, 1923, from Philadelphia, addressed to the chairman, as follows:

I earnestly urge that you get prompt action on your immigration bill, which, as I understand it, covers in detail the President's expression on immigration as contained in his message delivered to Congress on December 6, 1923, and which I heartily indorse.

W. W. ATTERBURY,

*Vice President in Charge of Operation, Pennsylvania Railroad System.*

I have also another telegram from J. G. White, of New York, addressed to the chairman, as follows:

It our institutions are to be maintained in their integrity a homogeneous population is essential. Wish success to your efforts on behalf of American principles and the American peoples.

J. G. WHITE.

I would like to say this: I think that in the work performed by the members of the committee we have made considerable headway. It seems apparent that you will find few witnesses who advocate anything like our former liberal immigration policy. Restriction is here to stay, and it is the method of making the restriction which is the problem before the committee. The volume of matter before the committee deals with the various plans proposed to perfect the restriction. I hope that we can get through with all the persons who have applied to be heard and whose applications have been acknowledged by the chairman, by Saturday night, and that then we can proceed with the actual consideration of the several bills before the committee, which pertain to the tentative plan to be worked out, as outlined by the committee upon the day of its organization meeting.

The members of the committee will remember that in the close of the Sixty-sixth Congress the House Committee on Immigration and Naturalization authorized Dr. H. H. Laughlin, of Cold Springs Harbor, N. Y., to undertake a study of the inmates of the principal State and Federal institutions for delinquents—that is to say, penal and eleemosynary institutions of standard types—for the purpose of originating a study as to the inmates of those institutions. The work was an original research and took a great deal of time. On November 21, 1922, in the Sixty-seventh Congress, third session, Doctor Laughlin presented his findings, including 10 tables, showing the result of the census of institutions, taken to secure results. It had to be voluntary. State institutions replied or did not reply as best suited themselves. That study was called "An analysis of the American modern melting pot." At the time Doctor Wilson was presenting his manuscript and charts to the committee various members asked questions, to amplify the meaning somewhat and draw from Doctor Laughlin some conclusions and findings. But the original plan was not to draw conclusions; it was to present the matter entirely as an original research. Since the publication of the pamphlet, which is serial 7-C of hearings of the Sixty-seventh

Congress, both Doctor Laughlin and members of the Committee have discovered many places where if the work was done over again it might be perfected. Before the committee adjourned it authorized Doctor Laughlin to prepare another study dealing with the percentage of persons in the various State institutions who were properly entitled to be deported under the immigration laws. That work has been going on and will be before the committee in a short time. In the meantime Doctor Laughlin has spent six or seven months in Europe, studying on his own account the immigration system, and is due to return some time in January, and even if the committee has concluded its hearings and reported a bill the committee will be glad to hear him as to the results of his studies which were partially authorized by the committee. That work is voluntary and carried on without expense to the Federal Government.

We will hear now Mr. R. R. Lutz, of the Washington office of the National Industrial Conference Board, who has himself paid some attention to the Laughlin pamphlet and desires to present some statements in opposition to matters contained in that pamphlet.

**STATEMENT OF MR. R. R. LUTZ, MANAGER WASHINGTON  
OFFICE NATIONAL INDUSTRIAL CONFERENCE BOARD,  
WASHINGTON, D. C.**

The CHAIRMAN. Mr. Lutz, you are the Washington representative of the National Industrial Conference Board?

Mr. LUTZ. Yes, sir.

The CHAIRMAN. Your duties in that connection are what?

Mr. LUTZ. The Washington office is quite small. There are only three members. It carries on a certain amount of research work in Washington, and in addition to that, at the request of the New York office, supplies information, largely for use in our research investigations. That is, we maintain contact with the Government departments, so that when detailed information is required by our New York staff the Washington office takes charge of getting it from the departments.

The CHAIRMAN. You analyze census returns?

Mr. LUTZ. Yes, sir.

The CHAIRMAN. You analyze labor statistics of employment and unemployment?

Mr. LUTZ. Yes, sir; I finished last year a digest of the 1919 census of manufactures, which was published in a rather pretentious book by our organization a few months ago. I have been in statistical work for 15 years.

The CHAIRMAN. Without going into your particular duties, as agent of the National Industrial Conference Board, you are prepared now to pay some attention to the Laughlin report?

Mr. LUTZ. Yes, sir.

The CHAIRMAN. Your name was mentioned in the letter from the director of the National Industrial Conference by Mr. Alexander as being one of the two gentlemen who would represent him owing to his inability to appear, due to sickness.

Mr. LUTZ. I take it that he had reference to a matter that I will now amplify for a moment. One of the main contentions of our organization is that the amount of information available with regard

to the newer aspects of the immigration problem, relating to physical and mental disease and social assimilability, is inadequate, and that a great deal of that which is available is utterly unreliable. Along that line I present a criticism of the most extensive and the latest report made on social inadequacy under the direction of and for the House committee.

The CHAIRMAN. You were asked by the director of the National Industrial Conference Board to analyze the Laughlin report?

Mr. LUTZ. I was.

The CHAIRMAN. With a view to breaking down the report?

Mr. LUTZ. No. I was asked to make a critical analysis of it on statistical grounds to see whether the conclusions were valid or not.

The CHAIRMAN. Has the National Industrial Conference Board undertaken to make a survey of the asylums and penitentiaries in the South?

Mr. LUTZ. It has not.

The CHAIRMAN. Is the National Industrial Conference Board conducting any research pertaining to immigration at this time?

Mr. LUTZ. Not that I know of.

Mr. RAKER. Before you proceed, will you tell the committee what was your occupation before you became the statistical man for the National Industrial Conference Board?

Mr. LUTZ. I have been in charge of the Washington branch for about two years. Previously, I spent one year as chief statistician of the National Industrial Conference Board in their New York office. Before that I was an officer in the Military Intelligence Division of the General Staff. Before that I was assistant chief of the Division of Planning and Statistics of the Shipping Board. Before that I was an officer in the Statistics Branch of the General Staff. Do you want more?

Mr. RAKER. A little further, yes.

Mr. LUTZ. Before that I was special agent of the Russell Sage Foundation, Division of Education, New York City. Before that I was the editor of a country newspaper, and before that I was the Secretary of the Department of Education of Porto Rico. Before that I was a school superintendent, and before that a miner and a bookkeeper; in fact, I have had a typical American career.

The CHAIRMAN. I might say that this committee finds itself badly in need of a statistician and regret that we have not funds to employ a man of your capabilities and experience. I will say also that this committee is very anxious to secure research matter, that is, statistics of a substantial nature, and everything of that kind that will show us something of the problem in the United States. The committee now is undertaking to obtain a study of the figures of the last census pertaining to labor employment in the coal industry, those statistics or a study of the analysis of them being collected originally from the Census Office by the recent Coal Commission, and not printed by them, but they are highly valuable, we think, for the work of the committee. If you can help us out at any time, we will appreciate it.

Mr. RAKER. You heard the former witness this morning relative to the National Industrial Conference Board method of securing funds for its activities? Have you any information now as to approximately the amount they collected and expended during last year?

Mr. LUTZ. No, sir; I did not know that even when I was in the New York headquarters, and in Washington I know still less.

Mr. RAKER. About how many people have they employed?

Mr. LUTZ. I have no real idea; I knew that there were quite a number. I did not know there were as many as Mr. Friedel stated this morning, 80 in the New York office.

Mr. RAKER. What do they allow you as compensation?

Mr. LUTZ. My present salary is \$5,500 a year.

Mr. RAKER. They are working for the purpose of finding out when and where and how, and the best method to secure labor?

Mr. LUTZ. No, I should not say that. At least, the studies that I have conducted since I have been with them have very little to do with that. They cover a very wide field of research. Their work extends all the way from studies such as their recent report on taxation, which is being used very much here now, to small things like absences in industry, or absences from employment, medical aspects of industry, and covering a very wide field. I recently asked them, or, rather suggested to them, in a staff meeting, to make such an investigation as you speak of, but I did not get much encouragement, as they said somebody else was doing it. They do not specialize on that kind of thing.

The CHAIRMAN. Proceed with your criticism.

Mr. LUTZ. A criticism of this kind from the very nature of the case has to be done carefully and presented carefully. I will make it as brief as I can.

At present great emphasis is given in discussions of immigration problems to such matters as social and racial assimilability and physical and mental health of immigrants. Now, the fact is that the knowledge we possess of these aspects of immigration is very limited. Almost nothing is known as to the effect of racial admixtures. The knowledge available concerning physical and mental defects which may handicap the immigrant as a useful member of the organized social life of the community is fragmentary and unreliable. The work done in this field so far is too narrow in scope and, not infrequently, too unscientific in method to be accepted as a basis for final conclusions.

This statement applies with especial force to the study of social inadequacy in the various immigrant and native population groups, conducted recently by an expert appointed by this committee, the results of which have been published under the title "Analysis of America's Modern Melting Pot." In my opinion the limitations of the data on which this study was based and the defects in the method of statistical analysis are such as to render unworthy of serious consideration the major part of the findings. I have prepared the following brief analysis of this report:

PRELIMINARY REVIEW OF A REPORT TO THE HOUSE COMMITTEE ON IMMIGRATION AND NATURALIZATION, ENTITLED "ANALYSIS OF AMERICA'S MODERN MELTING POT."

The method employed in this study was as follows:

A survey was made of the inmates of State and Federal institutions for the care of defectives. It included the following types of social inadequacy: Feeble-minded, insane, criminalistic, epileptic, tuberculous, blind, deaf, deformed, and dependent. Under these heads the nativity of each inmate was noted. For the purpose of comparing the results with the population, a percentage distribution of the total population of the United States was made, showing the proportion which the population of each nationality or nativity group was of the total population. These percentages were taken as the theoretical quota

which any given nationality or nativity group might be expected to show in the returns from the institutions for defectives. The number of defectives found in institutions are compared with the number expected, the resulting ratio being expressed in terms of what the report calls "quota fulfillment." One hundred per cent quota fulfillment means that the number of persons of a given nationality or nativity group found in the institutions for defectives equals the number to be expected on the basis of the proportion of this nationality or group in the general population; 120 per cent quota fulfillment means that the group of defectives exceeds the number expected by 20 per cent; 80 per cent quota fulfillment means that the group of defectives is 20 per cent below the number expected.

The findings obtained by this method are valid if care is exercised to insure that the data for defectives are truly comparable with each other and with the population figures. This precaution was overlooked, apparently, in the collection and analysis of the data used in the report to the House committee, with the result that the findings are, in some instances, manifestly erroneous. The quota fulfillment figures in the following table are an example:

Type of social inadequacy.	Quota fulfillment.	
	Negro	Native white.
	<i>Per cent.</i>	<i>Per cent.</i>
Blind.....	5.49	130.52
Epileptic.....	12.16	118.71
Feeble-minded.....	16.32	125.82
Deformed.....	16.67	129.42
Dependent.....	25.27	103.48
Tuberculous.....	39.85	98.68
Insane.....	52.49	82.60
Deaf.....	87.64	119.25
Criminalistic.....	207.85	86.55

These figures indicate that among native whites feeble-mindedness is eight times as common as it is among negroes, epilepsy nearly ten times as common and blindness twenty-four times as common. The tuberculosis rate is 148 per cent higher among whites than among negroes, insanity 57 per cent higher, and deafness 43 per cent higher. The number of deformed is nearly eight times as great, relatively, among native whites as among negroes, and white dependents, in proportion to population, outnumber negro dependents four to one. On only one count—crime—does the quota fulfillment of the negroes exceed that of the whites.

That is the first point I make.

The CHAIRMAN. If I remember the Laughlin hearing, Judge Box carried on an inquiry with Doctor Laughlin with regard to the negro and his standard of living, and the inequality that would arise from getting him on a classification with regard to certain types of inadequacy, such as dependency. That very defect was pointed out as we went along with the presentation of this matter.

Mr. LUTZ. In answer I will refer to that classification a little later on. I can read it now, but this very matter will be taken up later in my criticism. As a matter of fact, this particular discrepancy would not be so serious if it did not have other consequences.

The CHAIRMAN. That is the discrepancy as to the negroes and native whites?

Mr. LUTZ. Yes. If Doctor Laughlin had followed the old tried and true census method and computed his ratios per 100,000 population of each nativity group, he could have thrown out his rotten apples—that is, the negro data—without impairing the accuracy of the rest of his findings, but he tied his figures all together with a percentage distribution, so that you can not take out a single figure without affecting every other figure in the report. This will be taken up a little later.

The CHAIRMAN. On page 748 of the Melting Pot Analysis Mr. Box calls attention to the low negro quota fulfillment, and Doctor Laughlin explains that is an important factor in evaluating the findings of these studies, and that, "in the United States, represented principally by the South, the American negro fulfills his quota in dependency in institutions by only 25.27 per cent, but here, as in other types of social inadequacy other than crime, the dependent or inadequate Negro is taken care of by the plantation, as Mr. Box has just stated."

That is to say, we discovered as we went along with this original hearing that the negro could not be fairly placed in the same condition of inadequacy all along the line as the others we are trying to analyze. Proceed.

Mr. LUTZ (reading):

The absurdity of such findings is obvious. The 1921 mortality statistics of the United States census show a tuberculosis death rate for negroes of 2.14 per 100,000, against a rate of approximately 86 per 100,000 for whites. That is, deaths from this disease are nearly three times as common among negroes as among whites, notwithstanding the findings of this study, which show a ratio of over 2 to 1 in favor of the negroes. Comprehensive census statistics for negroes in the Northern States, where adequate institutional care is provided, indicate that the rate for insanity among negroes is much higher than among whites. The censuses of the blind made by the Census Bureau show that in 1910 the frequency of blindness among negroes was 55 per cent greater, and in 1920, 25 per cent greater than among whites. Yet the study made for the committee reports that, relative to population, there are twenty-four times as many blind among native whites as there are among negroes.

The low ratios for negroes are due to the fact that only a small proportion of the negro defectives are found in State and Federal institutions. In general, the States of the South, where most of the negroes live, make little provision for taking care of negro defectives unless such defectives are criminals. As the survey included only the negro defectives in State and Federal institutions, naturally, the number reported for the feeble-minded, insane, epileptic, blind, etc., was far below the quotas based on the ratio of negro population to total population.

Unfortunately, this defect in the data involves a great deal more than the ratios for negroes. The negro population is included in the grand total of population from which the expected quotas for all nationalities and groups are derived, with the consequence that the population total is much larger, proportionately, than it should be for a correct comparison with the total for defectives. As the data for negroes were of no value, the negro group should have been eliminated from both totals. Its inclusion was a fundamental error, the effect being, in nearly all of the comparisons, to exaggerate the ratios of quota fulfillment; in other words, to make them higher than they would be if comparable data were used.

The following table compares the quota fulfillment figures for the foreign-born group, as given in the report to the House committee, with the quota fulfillment computed on the basis of totals from which the negro group has been excluded:

*Quota fulfillment, foreign-born white.*

Type of social inadequacy.	Includ- ing totals for negroes.	Exclud- ing totals for negroes.	Per cent of change.	
			Increase.	Decrease.
Criminalistic.....	86.11	99.22	11.8	
Deaf.....	11.88	11.39		1.9
Insane.....	225.76	213.58		3.4
Tuberculous.....	131.29	121.30		6.7
Dependent.....	137.73	125.41		8.2
Feeble-minded.....	31.91	28.00		9.1
Deformed.....	12.21	11.11		9.2
Epileptic.....	71.65	61.79		9.7
Blind.....	10.98	9.81		10.1



The per cent of change ranges from 14.8 per cent increase in the criminalistic group to 10.3 per cent decrease in the blind group. The error due to the inclusion of the data for negroes is not constant, but varies with the size of the group of negro defectives.

This fundamental mistake affects the accuracy of every quota fulfillment figure in the report. In the testimony before the committee the inadequacy of the data for negroes is referred to, the statement being that "the quota fulfillment data for the negro are valid only in comparing one type of inadequacy with another within the negro group." This qualification of the data was brought out in answer to a question. It is an acknowledgement that for the purpose of comparison with other groups the negro data were of no value, yet the ratios for negroes are so compared, without qualification, in every chart and every table in the report. Furthermore, the claim that the ratios are valid for comparing one type of inadequacy with another within the negro group is contradicted by the findings. If the rate for feeble-minded is extremely low because, as the report states (page 750), the negro "does not get into institutions for the feeble-minded," and the criminalistic rate is high because, to quote from the report, "when he becomes institutionalized, it is principally in prisons," the two rates are not comparable.

That is, one of the comparisons is admittedly far below the truth, and the other is probably excessive. It is of no use to compare these two rates.

Mr. Box. You do not mean it is of no use, but that it increases the danger of inaccuracy?

Mr. Lutz. You can not arrive at any sound conclusion by such a comparison. Now, the other count on which I think a criticism can be lodged is in regard to the ratios for insanity and crime. I will continue:

The effect is this: In the case of the criminalistic group the exclusion of negroes from both totals would have made an increase in the quota fulfillment of 14.8 per cent. That is, it would have made the foreign-born white 14.8 per cent higher in their quota fulfillment. But in all the other types of social inadequacy it would have resulted in lower ratios, running from 1.9 in the deaf group to 10.3 in the case of the blind group.

The CHAIRMAN. It would have made a similar lowering of ratios in not only the foreign-born but the native whites.

Mr. Lutz. It would have lowered all ratios.

The CHAIRMAN. And that lowering would have been proportional in all the groups?

Mr. Lutz. Yes; it would have been proportional except that it varies according to which type of social inadequacy one is speaking of. In the criminalistic the change will be 15 per cent, while the tuberculous may be 6 or 7 per cent. The amount of change varies with the number of negro defectives deducted. The proportion in the population total is a constant figure, while the proportion in the defectives total is not a constant figure.

The CHAIRMAN. That is granted. But your complaint is that there were a larger number of increases in the population in proportion to those in institutions?

Mr. Lutz. Yes.

The CHAIRMAN. We admit that. In attempting the study the object primarily was to study such things as insanity and feeble-mindedness. Naturally, we carried it on to the blind and deaf, whereas we know that the blind and the deaf are not likely to be here originally as aliens, for the reason that defects such as those are detected at the port of entry, but defects such as feeble-mindedness

running in families like insanity are not so easily detected. This study grew out of the continual demand of New York State that the Federal Government assume the burden of the care of insane in the institutions of New York State.

Mr. RAKER. Does not the report refer entirely to those who were in State and Federal institutions?

Mr. BOX. Yes; and not the minor prisons and jails where many of the negro criminals are.

Mr. VAILE. And not those who might be taken care of on plantations.

Mr. BOX. Yes. We have a vast system of poorhouses where the humbler classes of negroes and white people are, but by far more negroes in proportion than other races are cared for, the county making a small allowance.

The CHAIRMAN. We undertook to make it clear that county institutions, poorhouses, county asylums, tuberculosis asylums, and all kinds of minor jails were not included. It was not possible with the time at our hand and the facilities available to carry on such elaborate censuses.

Mr. LUTZ. I have no criticism to offer, at least at present, of the restrictions surrounding the gathering of the data. They probably were well taken. I do not criticize that. But I do criticize what I believe to be a fundamental error in method.

To illustrate, suppose you have two herds of cattle, one on fenced pasture and one on the range, and you want to determine the tuberculosis rate among these herds of cattle. We will say the two herds are equal in size. To figure out the quota fulfillments, assuming the herds to be equal, you say that 50 per cent of the diseased cattle ought to be found in the herd on pasture and the other 50 per cent in the herd on the range. That is exactly what Mr. Laughlin has done here; he has worked out the quota expectation. Go ahead and make a careful examination of the herd on pasture and you may get, say 10 per cent, but when you try to examine the diseased cattle on the range you can not find them, just as you can not find the negro defectives in the South, so that you get a much smaller number. If the herds are equal in size, you will find when you come to work this out by the quota fulfillment plan that the herd on pasture gives you a very high quota fulfillment and the herd on the range will give you a very low quota fulfillment.

The CHAIRMAN. It will be a very simple matter for this committee, which has all the reports from the various State institutions, as far as received, to use the date which is selected for the date of the census and run the statistics again, leaving out the negro.

Mr. LUTZ. I think the most obvious error in the report would be corrected thereby, and as I have said, if the old census method had been followed of computing ratios per hundred thousand population of the same nativity without tying all of the groups together, you could then use or not use the negro data without affecting the rest of the figures. When you tie all groups together, errors affecting so large a group of the population invalidate the results.

Mr. RAKER. Is it not true that Doctor Laughlin, as he states in his report, investigated the relative numbers of diseased and defective in these institutions? He investigated and made a report as to that. Is that correct?

Mr. LUTZ. That he has made an investigation?

Mr. RAKER. Yes, and that what he did make is correct?

Mr. LUTZ. Yes; except that the results as stated are not true. He found these results, but the logical deductions from them showing a superiority of the negro race over the white on every count except one, is inaccurate.

Mr. RAKER. It is true so far as his investigation went?

Mr. LUTZ. Yes.

Mr. RAKER. That that was a true condition as to the asylums and criminal institutions? Is that right?

Mr. LUTZ. Yes.

Mr. VAILE. In other words, it is true that he found those proportions of people suffering from these defects in these particular institutions. That is what I intended to say.

Mr. LUTZ. Was that the purpose of the investigation?

Mr. RAKER. Yes; that is as far as he could go, or attempted to go.

Mr. LUTZ. The purpose, as stated, was to determine the incidence or frequency of these things among the various groups in the population.

Mr. VAILE. Does it not also do that, except with a certain class of people like the negroes, comparing them with the cattle on the range and the cattle in herds on pasture, and that relatively the proportion of the latter suffering from these defects will largely be found in those institutions?

Mr. LUTZ. Exactly.

Mr. VAILE. If you wish to show that the comparison is unfair to the white aliens, would you not have to go over that to show that they also would be taken care of largely outside of custodial institutions?

Mr. LUTZ. I do not know how far that is true.

Mr. RAKER. To amplify further the suggestion you have made, you feel that he has not taken into consideration those unbranded, unaccounted for, unknown numbers from where these people came from, in estimating defects of those that are already here and in those institutions. If you took the other half across that border, you might find the percentages 5 to 1. He has not taken into account that at all, has he? Where you have that 50 per cent over here you have the 50 per cent in a foreign country. He has not taken into consideration the number of defectives and diseased from the countries from which they came.

Mr. LUTZ. You mean in the country of origin?

Mr. RAKER. In his summary.

Mr. LUTZ. There is no reason why he should.

Mr. RAKER. He did not do it.

Mr. LUTZ. He could not.

Mr. RAKER. He could not; that is true.

Mr. LUTZ. And got his figures to a comparable basis.

Mr. RAKER. Therefore, he took into account those in the institutions?

Mr. LUTZ. Yes.

Mr. RAKER. And then left it to the committee and the country to say that notwithstanding the fact that we have made this analysis, there is a law that prohibits those even from coming to this country, and notwithstanding that, compared with those in these institutions, here is your percentage.

Mr. LUTZ. I make no criticism except that the percentage is inaccurate.

Mr. RAKER. Inaccurate? You do not mean that the figures are inaccurate?

Mr. LUTZ. Absolutely. You mean the basic figures?

Mr. RAKER. Yes.

Mr. LUTZ. No.

Mr. RAKER. And his deduction is correct from what he has presented.

Mr. LUTZ. No, not numerically, because if he had thrown out the defective data for negroes he would have gotten different quota fulfillments for all the rest of the groups.

Mr. Box. Is not this true, as illustrated by taking an uncounted number equal to the number counted? Is not the value of your criticism reduced by the fact that that element which was only partially enumerated, only figures about one-tenth of the population of the country?

Mr. LUTZ. Yes, it is only one-tenth.

Mr. Box. It would minimize the error to that extent.

Mr. LUTZ. The only significant figure that is used is the amount over or under 100. Take feeble-mindedness—the foreign white stock quota fulfillment is 114.76 in the report. If you take the negroes out of the feeble-minded group, and out of the population group, and make the computation on the basis of whites only, the ratio is reduced to 104. What happens? Editors and publicists when they use these figures do not talk about quota fulfillment. Nobody would know what this is, so they say the foreign white stock exceeded the proportion that it was entitled to on the basis of population by 14 per cent.

The CHAIRMAN. The public does not know it either, but every effort has been made through immigration laws for a long time to eliminate from the United States people of these defective characteristics. When we find any excess whatever of alien people in any institution of any kind, we know there has already been an elimination whereby that excess should not have been there at all. That is to say, carrying the thing out to the fullest degree, there should not be an insane person of foreign birth in any of the insane asylums.

Mr. LUTZ. I am in absolute sympathy with the argument that we should not admit any. But I take the point of view of the scientist in these matters, that after all, if we are going to think about this, let us get our figures right. Do not use statistics that will not stand careful scientific examination.

The CHAIRMAN. We will have it up again and will welcome your suggestions.

Mr. RAKER. Take Albania. What figures has he there?

Mr. LUTZ. I do not believe he has Albania in his figures.

Mr. VAILE. He has Bulgaria in the figures for criminal institutions.

Mr. RAKER. Serbia is suggested to me by one of the committee, which suggestion I accept. What is wrong with Serbia, comparing its number in these institutions with Americans in the institutions?

Mr. LUTZ. It depends on what you mean—the insane?

Mr. RAKER. Yes.

Mr. VAILE. That is on page 740, Serbia, 1,400, Table No. 3 on crime.

Mr. LUTZ. I would make that 5 per cent. It will reduce the quota fulfillment about 5 per cent.

Mr. VAILE. That is not very much on 1,400.

The CHAIRMAN. I am looking at the crime table, No. 3, opposite page 740 of the report.

Mr. LUTZ. That is crime. I thought you said insane.

Mr. RAKER. What is there wrong in his deduction in the general table as to the quota of Serbia in these institutions?

Mr. LUTZ. In this particular instance the quota is wrong about 15 per cent.

Mr. RAKER. How wrong?

Mr. LUTZ. Because his basis is wrong. He is assuming a wrong basis to calculate it. For example, if you are figuring a disease rate for the United States, and you get your returns for diseases from only the part of the United States east of the Mississippi and do not get any returns from the States west of the Mississippi, at the same time including in your population data all the population west of the Mississippi, your figures necessarily are wrong. You must have comparable figures, and the moment you acknowledge, as he acknowledges, that the negro is not institutionalized and that the negro figures are, in the final analysis, of no value, then you can not include the negro population in your comparison. You have got to take out the figures for defectives if they are wrong and at the same time take out the population figures.

Mr. VAILE. Let us see if we can not work out roughly the comparable figures from the present table, taking that same table No. 3 on crime, in which the native white percentage is 81.84. Would that be increased 15 per cent?

Mr. LUTZ. I should say so; yes.

Mr. VAILE. Then the comparison between the native white and the Serbians, and those between and those below, would be exactly proportional by taking out that error, would it not?

Mr. LUTZ. I think in most cases it would, but in the next table it will not be 15 per cent. Your 15 per cent will hold for all comparisons of crime; in insanity it would be 5 per cent.

Mr. VAILE. The variation will be proportional in that table again?

Mr. LUTZ. Yes, but a comparison of one type of inadequacy with another will give an erroneous result.

Mr. RAKER. What should have been eliminated in making the total deduction from which he took a total? From what did he start with to make these entire deductions or comparisons?

Mr. LUTZ. He took the total population of the United States in 1910, or 91,000,000.

Mr. RAKER. That is everybody.

Mr. LUTZ. Everybody.

Mr. RAKER. He found that in that population there was a certain per cent of American born in these institutions and a certain per cent of various diseases.

Mr. LUTZ. Yes.

Mr. RAKER. He then also took during the same period in the same institutions those that came from Serbia?

Mr. LUTZ. Yes.

Mr. RAKER. And he found that for criminality, for tuberculosis, failure of eyesight, and other things, they were a certain per cent?

Mr. LUTZ. Yes.

Mr. RAKER. He treated them all alike, did he not?

Mr. LUTZ. Except one big group, for which he got no adequate data.

Mr. VAILE. Is there any other large group which has some vitiating error that spoils it?

Mr. LUTZ. I have not had much time on this. There may be. I have not discovered it.

The CHAIRMAN. We agree on the feeble-mindedness in the United States, that a comparatively small percentage are in State or Federal institutions; so in order to have perfect figures as to feeble-mindedness, we would have to know all that are in county and private institutions and in the homes of the country, to get figures of the feeble-minded, which we would not be able to get in an ordinary survey.

Mr. RAKER. Taking all the population of the United States, and if we knew what people were affected that are not in these institutions, then we would have it absolutely correct.

Mr. LUTZ. Yes. Let me illustrate. For example, you have a census of the blind in 1920, a special census, and you are able to say you have all the blind in the United States.

The CHAIRMAN. We agree to that.

Mr. LUTZ. There is a census of the deaf, and that is pretty good, too. Your figures on prisons are pretty good figures. You can get that. The people who have committed crimes are in prison and you can find them. The figures for insanity are pretty good. On the other hand, there are other types of inadequacy you can not get at. For instance, there is no census of feeble-mindedness.

The CHAIRMAN. Let me correct you there. The getting of figures as to aliens and natives in State institutions is not so easy as one would think. Quite a difference arose, particularly as to the insane, and the nativity you can not always tell.

Mr. RAKER. Put it another way. Had he taken the entire population of the United States, as he did, and then the negro population in these public institutions, had he been able to obtain the number that were not in these institutions, among the negroes, then he would have had it correct.

Mr. LUTZ. Yes.

Mr. RAKER. He did not attempt to do that.

Mr. LUTZ. No.

Mr. RAKER. He did not attempt to do it before the committee.

Mr. VINCENT. Your point is that he should have dropped out figures of negro delinquency and also reduced the total for the United States by the number of negroes?

Mr. LUTZ. Exactly; to limit the comparison to the white population of the United States. That is very simple.

Mr. RAKER. Is that the principal point wherein you and Doctor Laughlin differ?

Mr. LUTZ. No; there is another one coming; but this is bad, and I think the next one is much worse. I will reach it in just a moment.

Mr. RAKER. Is it your contention that if we had figures for private institutions where the negro people are cared for that it would increase their percentage in these various defects?

Mr. LUTZ. I imagine it would a little, but not very much. The fact is that most of the Southern States make no provision, public or private, for taking care of negro defectives.

Mr. BOX. I do not know of any State of which that is true.

Mr. LUTZ. I do not mean to exaggerate.

Mr. BOX. I am stating the fact.

Mr. McREYNOLDS. I come from another State and I agree with you.

Mr. RAKER. Put it another way. If all of the negro defectives were specified in this list as to the kind and character of defect, outside and beyond those that he did include in the public institutions, then he would have been correct.

Mr. LUTZ. Yes; if he had a census of defectives.

Mr. RAKER. What is your complaint or objection to his taking it as he did, and in the form he took it and not the way you suggest?

Mr. LUTZ. I make no suggestion how he should have taken it. What I maintain is that the population figure for negroes is a perfect figure. It represents a cross section of the population made through a careful count by the enumerators of the census. It is a reliable figure. Against it he has utterly defective figures for different types of social inadequacy among negroes. The figures for tuberculosis are simply absurd in view of the mortality statistics. That tuberculosis is much more common among negroes than it is among whites can be proved by the census mortality reports. He shows that tuberculosis is twice as frequent among whites as among negroes.

Mr. RAKER. Do you not take into consideration Doctor Laughlin's statement that he only presented the condition for the social inadequacy and question of disease and otherwise of those that were in the institutions so as to show the status of various people in the institutions and not considering it otherwise?

Mr. LUTZ. That is exactly what he has done, but I can not see that it is accurate. The investigation was started for the practical purpose of finding out what was the relative frequency of these defects among the different population groups. It was for a practical purpose that he did this work and the fact that the figures are true as far as they go is of no importance if the results are misleading. If they can not be applied to a practical end they are of no use.

Mr. RAKER. It would be impossible for you to present a like statement covering the same condition, taking the United States with its population, those that are here of all kinds and classes from every country and then find out the condition of relatives and others, the health conditions and inadequacies, where they came from.

Mr. LUTZ. Probably not impossible, but that is outside of the scope of this survey, which did not attempt to investigate such conditions to that extent.

Mr. RAKER. If you were figuring the negro proposition, if you had 10,000 people from Serbia, would you not want to know what kind of inadequacy there was in Serbia?

Mr. LUTZ. In the foreign countries?

Mr. RAKER. Yes.

Mr. LUTZ. It would be of the greatest value.

Mr. RAKER. You would not be able to give an intelligent presentation unless you did.

Mr. LUTZ. I would not agree with that, if you had only such data as we have before us. The statistics of inadequacy by nationality for the foreign-born population of the United States would be all the data we want, for the reason that although you might find certain conditions in England or Bulgaria or some other country, it

does not follow that the best of that population or even the average of that population comes to this country. It is a common contention that we get the scum from Europe. We are interested in the analysis of what is here. It seems to me that Dr. Laughlin's view that the studies should be limited, for the purposes of immigration, to the people that came here, is entirely correct.

Mr. RAKER. Then you turn around without any analysis of that kind at all and say it is considered that the scum has come, and then you want the relatives of this same class to come again, the brothers and sisters, fathers and mothers, children under 18 years of age, that nobody has been able to give a limit to how many there may be.

Mr. LUTZ. I do not want them to come.

The CHAIRMAN. Don't get our statements mixed. This committee does not charge, the pamphlet does not charge, that we have only got the scum. We are trying to show that in the immigration we have got we have a considerable amount of scum in spite of the efforts of the immigration laws to keep out inadequates and naturally these statistics of persons in the State institutions on a certain date dealt with persons who came here at a much earlier date. It covers immigration of many years.

I think we admitted as we went along, that the negro estimate, counting the negro population of the institutions, was indicated through the inquiry.

Mr. BOX. I understand that if in any set of statistics there are errors to which you have pointed and others you will probably point to which had been omitted or avoided, then there would only be an approximate correctness. You do not pretend that it is possible to get any set of statistics like that exactly correct. They are theoretically correct.

Mr. LUTZ. They would never be anything but an approximation.

Mr. BOX. It being true that the purpose of the survey was to get an approximation of it and it being further true that these figures, we will say, as to Serbia showing 1,400 per cent quota fulfillment, that they are, even according to your criticism, within 15 per cent of correct, do you mean in that statement of facts to deny that they are of practical value in dealing with a practical question?

Mr. LUTZ. No, I have not made any such denial. I do not deny that they are of practical value. I deny that they are accurate when an analysis of them shows that the data for one group are so much less reliable than the data for others that the figures do not constitute a sound basis for such a comparison. Furthermore, I present the objection that the figures for quota fulfillment are not used as given in the report. The average editor does not say the quota fulfillment of the foreign white stock in feeble-mindedness was 114 per cent. He says the proportion of feeble-minded in the foreign white stock exceeds the proportion of foreign white stock in the population by 14 per cent, while the true excess is about 4 per cent. In this way a relatively small difference in quota fulfillment is magnified enormously when the percentage base is cut off, and only the increase above a given point used. I do not know whether I make this clear, but it is extremely important in the use of these figures for public purposes.

Mr. HOLADAY. If the negro population had been cut out in arriving at the conclusions, we would have gotten the ratio of the native whites alone.



Mr. LUTZ. You would have gotten everything, with all ratios cut down for all types of inadequacy just so much.

The CHAIRMAN. I will say to you that we are in hopes that we can revise this pamphlet. As far as we know it is the first thing of the kind attempted. It has not had any great amount of publicity, as it is not a subject into which a newspaper or magazine can go. We are anxious to revise it.

Mr. LUTZ. I will say that this report has been challenged recently in other quarters. In the annual meeting of the Economic Association it was challenged on perfectly good grounds. I think it is rather important that it not only should serve practical purposes, but should be able to stand scientific criticism.

The CHAIRMAN. I think we can make a revision. We will have to stick to some basis of figures for awhile until further surveys are made.

Mr. Box. I want to make one suggestion to the gentleman, which comes to me in haste. I do not know whether it is sound or not. If the basic number counted is reduced and a given number of foreign-born from Serbia, Spain, or Italy is ascertained, it is not reduced when you reduce the basis on which you count it. Does not that increase the percentage of that country?

Mr. LUTZ. No.

Mr. Box. Why not?

Mr. LUTZ. Yes, in a sense it does.

Mr. Box. Doesn't it do so unqualifiedly?

Mr. LUTZ. No, because we are talking in terms of quota fulfilment. It increases the quota expected. When you reduce the base, you increase the expected number for each group.

Mr. Box. Supposing you had 10,000 Spanish inmates in institutions for social inadequates, and suppose you were counting their pro rata or proportionate part in 90,000,000 people, and you had the same number of social inadequate Spaniards and a smaller number on which to base your estimate, why would not the criticism you make be increased, if eliminated?

Mr. LUTZ. Because the comparison is not made in quite the way you suggest. You do not compare those two figures directly. What you compare is the percentage distribution of inadequates on one side and the percentage distribution of the population on the other.

Mr. Box. You may be correct.

Mr. LUTZ. They are not compared directly but relatively. It is pretty simple, although at first it looks complicated.

The CHAIRMAN. Go ahead.

Mr. LUTZ. In regard to the comparison I was speaking of, the change gives an increase of 14.8 per cent in the criminalistic group and a decrease of 10.3 per cent in the blind group. [Reading:]

#### SERIOUS ERRORS IN THE RATIOS FOR INSANITY AND CRIME.

The insane and criminalistic constitute nearly three-fourths of the total number of social inadequates covered by the study. The findings relating to these types are seriously misleading, due to the fact that the comparisons of nativity groups of defectives with corresponding groups in the population take no account of the difference in the age distribution of foreign and native born.

Insanity and the types of crime which result in commitment to State and Federal prisons are very rare among children. The 1910 census study of insane in institutions found only 341 inmates under 15 years of age in a total of 187,791 of all ages. The study by the Census Bureau of "Prisoners and juvenile delin-

quents" showed that over 98 per cent of the total number committed to prisons, reformatories, jails, and workhouses in the same year were 15 years of age or over.

The study for the House committee compares the total inmates of such institutions, of whom 98 to 99 per cent are adults, with a population total that includes 2,217,342 children under one year of age, 10,631,364 under 5 years of age, 20,391,996 under 10 years of age, and 29,499,136 under 15 years of age. The ratios derived from a comparison of this kind have little practical significance in terms of probable frequency of crime or insanity among the population old enough to become seriously insane or to commit crimes grave enough for commitment to State or Federal prisons.

Mr. VAILE. What proportion of the whole population is over the age of 18?

Mr. LUTZ. Those under 15 account for between 36 and 38 per cent.

Mr. VAILE. Over 15 are the ages at which you are likely to find people committed for these crimes?

Mr. LUTZ. Exactly.

Mr. VAILE. If you reduce the total population of the United States by 36 per cent for the purpose of this figure and use a figure amounting to only 64 per cent and compare the actual number now in these institutions, will not that number be very much larger or will not the ratios be much larger than under Mr. Laughlin's table in the light of Judge Box's question?

Mr. LUTZ. I will answer that question in a moment when I finish this paragraph. You are quite right in your contention that it will produce a larger figure, but the figures will be comparable. (Continuing:)

If the purpose is to compare nativity groups, such ratios are gravely misleading because of the difference in the age distribution of the foreign and native born. In 1910 there were 68,386,412 native born whites in this country, of whom 24,957,149, or 36.5 per cent, were children under 15 years of age. Of the 13,345,545 foreign born whites enumerated in the same year, only 759,346, or 5.7 per cent, were less than 15 years old. The proportion of children in the native white population was nearly six and one-half times the proportion in the foreign born white population.

The Census Bureau reports on insanity and crime call attention to the effect of this difference in age distribution on comparisons of insane and criminal rates by nativity groups. The inclusion of the lower age groups distorts the ratios to a marked degree. The following table compares the insanity quota fulfillments given in the report to the House Committee, for the native born white and foreign born white groups, with the corresponding ratios per 100,000 adult population—persons 15 years of age and over—of the same nativity:

Insane.	Native-born white.	Foreign-born white.	Foreign-born ratio exceeds native-born ratio.
Quota fulfillments given in report to House committee.....	\$2.60	225.76	Per cent. 173
Ratios per 100,000 adults of the same nativity.....	130.04	239.33	84

If you compute this on the basis of the adult population, that is, cut out the children, you greatly decrease the population base for the native born, and get a ratio per 100,000 native white adults of 130.04, and 239.33 foreign-born white, the foreign-born ratio exceeding the native-born ratio by 84 per cent.

Mr. VINCENT. Do you get under adults the persons over 15 years of age?

Mr. LUTZ. I am following the census practice. For the purpose of comparison adults means 15 years of age and over.

The CHAIRMAN. You have corrected the figures and your contention is that the quota fulfillment of aliens in the insane institutions is 84 per cent.

Mr. LUTZ. The foreign-born ratio exceeds the native-born ratio by 84 per cent. That is, the foreign born are that much worse, 173 per cent on the basis of the House committee report, and with figures based on the adult population the excess is only 84 per cent.

Mr. HOLADAY. Eighty-four per cent more than the native.

Mr. LUTZ. It is the excess.

Mr. BOX. What is the native?

Mr. LUTZ. The native in the first instance was 82.60 and the foreign born 225.76.

Mr. BOX. What would it be in the correct figure?

Mr. LUTZ. It would be 130.04 and 239.33. These particular figures are not significant; but the comparison of the two groups is.

Mr. BOX. It makes it nearly double?

Mr. LUTZ. Yes.

The CHAIRMAN. What plan can you devise that would make another correction to the effect that our immigration laws are designed to keep out insane? That must keep some out. That is to say, we have got a somewhat perfected selective system of immigration now by which the insane, if the steamships know it, are not permitted to start for the United States, and if our medical officers and inspectors know it are not permitted to land in the United States. Does not that offset far beyond anything that you can deduce in the way of comparing these figures of aliens in the insane asylums?

Mr. LUTZ. It would, except that I have no interest in proving one case or the other. These figures are unscientific and without excuse, as the census reports have frequently called attention to the difference in the age distribution. It is an old story among statisticians.

Mr. BAKER. Yes.

Mr. LUTZ. For both crime and insanity, it is an old story. The inclusion in the native white group of all these millions of children gives a total not comparable with the foreign white total.

The CHAIRMAN. Go on to your next contention.

Mr. LUTZ (reading):

The method used in the report to the House committee, based on total population, shows an insanity rate among foreign-born white 173 per cent higher than among native-born whites, against a rate only 84 per cent higher when the population figures are reduced to a comparable basis.

The corresponding error in the figures for criminality is very striking. In the report to the House committee the ratios for native whites and foreign-born whites are practically the same, but when comparable population figures are used the criminal rate among the adult native born is found to be 49 per cent higher than among the adult foreign born.

Criminalistic.	Native-born white.	Foreign-born white.	Native-born ratio exceeds foreign born ratio.
Quota fulfillments given in report to House committee.....	88.55	86.44	Per cent. 0.1
Ratios per 100,000 adults of the same nativity.....	94.72	63.70	49.0

The CHAIRMAN. If we are successful with our proposed legislation to deport criminals, it would be 100 per cent native born or naturalized.

Mr. VINCENT. That is what strikes me here. We are supposed not to permit the landing in this country of anybody under those classes he is discussing.

The CHAIRMAN. Under a great many of those classes.

Mr. VINCENT. Yes, and yet even reduced to what you claim are comparable population bases, we have almost twice as many of one defective class and not quite so many of another defective class, as our native population. Either way you put it, it is a reflection on the kind of immigration that has been coming into this country.

Mr. LUTZ. I think it is. I am not here preaching restriction or non-restriction. All I want and my interest here is to see that these matters, if we go ahead with them, should be on a basis that will stand scientific analysis.

The CHAIRMAN. Proceed.

Mr. LUTZ (reading):

RETURNS FOR "NATIVE WHITE--NATIVE PARENTAGE" GROUP NOT TRULY REPRESENTATIVE.

Information from other sources raises the question as to whether a large part of the basic data for the "native white--native parentage" group is truly representative. Comprehensive statistical proof is lacking, but such data as are available indicate that the returns from institutions for defectives in the South, where the great bulk of the white population is of native parentage, were, in relation to the population, too low.

According to a "Directory of State Institutions for the Defectives, Dependent and Delinquent Classes," published by the Census Bureau for the year 1916, only two of the States south of the Potomac and Ohio Rivers and east of the Mississippi, provided at that time institutional care for the feeble-minded and only five for the tuberculous. There were no institutions in any of these States for the epileptic and the deformed. The average value of the plants and the expenditure per inmate were low, while the average number of inmates per employee was high, in comparison with similar institutions in other parts of the country. These facts constitute presumptive evidence of what is really a matter of common knowledge, that, in general, the States in the South do not provide institutional care for defectives on any such scale as do the States of the North and West. The effect on the comparison of nativity groups is to make a better showing for the "native white--native parentage" stock and a relatively poorer showing for the foreign-born and foreign white stock, the great bulk of which is found in the North and West.

Mr. BOX. We do not need so many because that is the reason we have so many.

The CHAIRMAN. Not having had aliens born in the South.

Mr. BOX. No; it is American population, and we do not have to spend so much on them. You state that these figures applied to States east of the Mississippi River. I know we have them in Texas.

Mr. Lutz (continuing):

INTELLIGENCE TESTS OF FOREIGN AND NATIVE BORN.

Although the report to the House committee did not include studies of relative intelligence of the various nationalities in the immigrant population, a sensational statement relating to this subject, brought out in the hearings, is found on page 737 of the report. Briefly, the statement is to the effect that if it had been possible to have applied a mental test to the immigrants who are now in the United States similar to that used in the Army during the war for testing intelligence among drafted men, and to have excluded all those who were of "inferior"

or "very inferior" intelligence, there would have been excluded 45.6 per cent of the 13,920,692 foreign-born in this country, or 6,347,835 of the present alien population.

This statement has been given wide publicity and has been quoted frequently in current discussions of immigration problems. It is a reckless and unwarranted generalization based on a study of a small group not comparable with the total foreign-born population. The scientists who conducted the intelligence tests in the Army would be the first, probably, to reject the assumption that the group of foreign-born soldiers tested was representative of the foreign-born population or that the results of the tests could be used as an index of intelligence for this population as a whole.

The distribution of the group of foreign-born soldiers tested differed widely from the corresponding distribution of the foreign-born population. The two distributions are shown in the following table:

Country of birth.	Percentage distribution of men tested.	Corresponding distribution of the foreign-born population.	Country of birth.	Percentage distribution of men tested.	Corresponding distribution of the foreign-born population.
Italy.....	32.3	13.7	England.....	3.3	7.0
Russia.....	18.9	17.1	Poland.....	3.1	.....
Canada.....	7.8	7.3	Denmark.....	2.6	1.6
Sweden.....	5.6	5.3	Austria.....	2.4	12.2
Ireland.....	5.3	9.8	Germany.....	2.4	16.2
Norway.....	4.9	3.1	Scotland.....	1.2	2.6
Greece.....	4.6	1.4	Holland.....	1.1	1.1
Turkey.....	3.4	1.0	Belgium.....	1.0	.5

Mr. VAILE. Why was not that group of foreign-born soldiers representative of the foreign population?

Mr. LUTZ. I will just read this paragraph.

Mr. VAILE. Is it a cross section of the whole American people?

Mr. LUTZ. I will read this paragraph, which answers your question.

The discrepancies in distribution resulted in very high weightings for some nationalities which tested low, and very low weightings for others which tested high. Thus, the Italian group, which gave very poor results in the tests, represented nearly one-third of the total number of foreign-born soldiers tested, although in the corresponding population distribution the Italian group was less than 14 per cent. The Germans ranked high in the tests, but only 2.4 per cent of the soldiers were of German birth, while the population distribution shows a percentage of 16.2 for this nationality. The Turks, who tested very low, have a weighting in the soldier group nearly three and one-half times their weighting in the population.

The effect on the average ratings was to give the foreign-born group a rating considerably lower than it would have received had the distribution of the soldiers corresponded to that of the population. If the composition of the foreign-born group of soldiers had been the same as that of the general population the "very superior" group would have been greater by approximately 65 per cent, the "superior" group greater by 40 per cent, and the "high average" group greater by nearly 47 per cent. The "low average" group would have increased slightly over 25 per cent, while the "inferior" group would show a decrease of nearly 20 per cent and the "very inferior" group a decrease of 27 per cent.

Mr. VAILE. That is to say, there was nothing else but a different proportion of people of that activity in the country than there was of men of military age in that activity in the country.

Mr. LUTZ. No; because in the case of the Germans they were excluded very largely because of their nationality.

Mr. VAILE. They were alien enemies and not subject to the draft.

Mr. LUTZ. Austria also.

Mr. VAILE. That would not apply to Italians.

Mr. LUTZ. Nevertheless you have this peculiar situation, that practically one-third of the men tested were Italians, and the Italians are only 14 per cent of the population. The Italians tested low, yet they have a high weighting in the average.

Mr. VAILE. The obvious reason being that Italy has been sending us men of laboring age, who are largely, of course, men of military age. They have been sending people who would make money here and send it or bring it back home. They have not been sending immigrants that included children or old people very much.

Mr. LUTZ. That has nothing to do with the justice of this comparison. What we have here is a sample of about 12,000 men, and the claim in this report, which has been used a great deal, is that this is representative of the foreign population. My contention is that it is nothing of the sort, for the simple reason that the distribution was not the same. In order to get comparable figures, you must have your groups reasonably correspond. You can not have a group that in your test or sample constitutes one-third and yet is only one-seventh in the group it is compared with. Such figures are not comparable.

Mr. VAILE. Surely, except as one comes from a nationality which was excluded from the operation of the draft law, so there can not be anything figured on a test basis except by bringing everybody by law within the operation of the selective service law.

Mr. LUTZ. Of course, the purpose of the Army tests was not to determine the intelligence of the general population. That use of them has occurred since the tests were made.

Mr. VAILE. Why can not it be fairly used if it was based on a cross section of the whole population of the United States?

Mr. LUTZ. If your proportions agree, yes; but if they do not agree it is statistically indefensible, and this is exactly what has happened, with the result that it gives the foreign born group a much lower rating than it should have. The Italians tested low in intelligence, and were one-third of the total, against one-seventh of the population total. The Germans tested very high but were only 2.4 per cent of the soldiers tested.

Mr. RAKER. How is that?

Mr. LUTZ. The Germans tested high in intelligence.

Mr. RAKER. What per cent?

Mr. LUTZ. But they were only 2.4 per cent of the soldiers.

Mr. RAKER. What do you mean by 2.4 per cent—2.4 per cent of those examined?

Mr. LUTZ. Yes. I have the exact figures here.

Mr. VAILE. The Germans were excluded from the draft as alien enemies.

Mr. LUTZ (reading):

The number of men tested was entirely too small to justify the application of the ratings to the whole body of foreign-born. According to the last census the foreign-born in the United States numbered 13,920,692, while the number of men tested was 12,407, less than one tenth of 1 per cent of the foreign-born population. For some of the nationalities in the group of soldiers, the sample, compared with the population, was much smaller than this. In 1920 the foreign-born population of German birth was 1,915,864, while the number of German-born soldiers tested was 299, or less than two one-hundredths of 1 per cent, a ratio of 1 to 6,408. The Austrian group of soldiers numbered 301, against a total foreign-born Austrian population of 1,445,141, the sample representing slightly over two one-hundredths of 1 per cent, of a ratio of 1 to 4,801.

I will now read the summary.

Mr. RAKER. Before you get to that summary, do you think if you have gotten any fair test, so far as the soldier is concerned, they should have a larger number of each sample?

Mr. LUTZ. I should think so. It seems to me that one-tenth of 1 per cent is pretty low.

The CHAIRMAN. That is the soldier test, and figured in connection therewith you referred incidentally to the test we are discussing?

Mr. LUTZ. Yes, sir.

The CHAIRMAN. It has appeared in two or three books that have been published since the draft?

Mr. LUTZ. My criticism applies only to the application that has been made of those figures. I have no criticism of the Army intelligence tests. The criticism is of the people who are making unwarranted use of them.

Now, to summarize:

First, the statistics for the negro group are so defective as to be worthless for the purpose of comparing the ratios of social inadequacy in this group with the ratios in other groups, or for comparing different types of social inadequacy within the negro group.

Second, because of the method used in the analysis and presentation of the data, the defects in the statistics for negroes seriously impair the accuracy of the findings for all other groups.

Third, failure to take into account the difference between the native-born and foreign-born groups as regards age distribution has resulted in inaccurate and misleading findings in the sections pertaining to insanity and crime.

Fourth, there is good reason to believe that the returns from institutions for defectives in the Southern States are not truly representative.

Fifth, the statement included in the report relating to intelligence tests is a misleading and unwarranted generalization from the study of a relatively minute sample not comparable with the population figures.

The CHAIRMAN. Do you think you could take the figures which were secured from the State and Federal institutions and get up for us some fairly comparable data?

Mr. LUTZ. You mean eliminating all the errors that have been called to your attention?

The CHAIRMAN. Yes.

Mr. LUTZ. Yes; I think I could.

The CHAIRMAN. How does the Federal Government handle its birth statistics when it only has them from a certain portion of the United States? That is to say, the birth rate of the United States is not secured from reports from every part of the United States, is it?

Mr. LUTZ. No, sir; there are 34 States in the registration area, covering about 88,000,000 population.

The CHAIRMAN. And yet they try to figure the average birth rate of the United States?

Mr. LUTZ. Yes, sir; that is a pretty good sample.

The CHAIRMAN. Would not that apply in the same way to our study of the inmates of State institutions for delinquents?

Mr. LUTZ. There is this difference, Mr. Johnson, that in the case of the registration area you have got what corresponds to a census. In the case of the data you are dealing with you will find State after State, for example, which has no institution for the deaf. Are we therefore to conclude that there are no deaf in those States?

The CHAIRMAN. No; but if we had to do it again we would strike out certain of the delinquent types that are not so likely to come in as immigrants, and we would deal entirely with the other types. Now, I want to ask you one other question. Did you pay any attention to the statement on page 751 as to the cost of alien delinquents in the State institutions?

Mr. LUTZ. I did not, Mr. Johnson.

The CHAIRMAN. I find this on page 751, where the chairman asks this question of Doctor Laughlin:

The CHAIRMAN. Apart from the social and racial expense, what is the expenditure in dollars and cents due to aliens or the foreign born in institutions?

Doctor LAUGHLIN. The last complete survey of State expenditures for custodial institutions was one which I made for the Bureau of the Census, on expenditures for the year 1916. We find that, on the average, in that year the several States spent 17.3 per cent of all of their State government expenditures in maintaining State custodial institutions for the socially inadequate. This per cent varies from 30.5 in Massachusetts, 5.4 in Alabama, and 3.5 per cent in the District of Columbia. The total State expenditures for maintaining the State custodial institutions in 1916 was \$75,203,239. Prices and costs, both of private living and of State government, have increased greatly since 1916. We do not know what a new survey would show in actual money—doubtless not less than \$100,000,000. But, with the best figures we have, if we maintain the percentage relations of 1916, we find that the States are expending 17.3 per cent of their total expenditures on custodial institutions. At present 20.63 of these inmates are foreign born. If, therefore, it costs on the average the same to maintain an alien as a native in a custodial institution, then we would find the several State governments expending, on the average, 3.57 per cent of their expenditures for all purposes in maintaining aliens in State institutions. The percentage of alien stock—that is, the persons of foreign birth, and those with one or both parents of foreign birth—who were found in custodial institutions by our present survey, amounted to 44.09 per cent of the whole institutional population. These persons are generally designated as foreign stock. On the same plan of reasoning we find that the foreign stock in State custodial institutions—excluding the municipal and private institutions of all sorts—is costing the several State governments 7.63 per cent of all their expenditures for all purposes.

Mr. RAKER. I understand that these are State institutions alone?

The CHAIRMAN. Yes; these figures do not include the city or county institutions.

Mr. RAKER. Nor those maintained by churches and lodges.

And so forth.

Now, I wish you would devote a little time, if you can spare it, to an analysis of that paragraph and that statement.

Mr. LUTZ. I will be very glad to do so.

The CHAIRMAN. Because that statement apparently can not be affected by the discrepancy brought about by including an increased population in the averages relating to the foreign-born population in institutions.

Mr. LUTZ. I am not sure about it, but I could not give an opinion without checking up the figures.

The CHAIRMAN. If you do, I wish you would present it to the chairman for publication in a future statement.

Mr. LUTZ. I will, sir.

The CHAIRMAN. The expenditures in New York State are before the committee in a report from Doctor Dawes who is to be here in a day or so. I think if you would come up here you would probably get a great deal of good from that, as to what it costs the State to maintain alien defectives.

Mr. LUTZ. In other words, the question is, What does it cost the United States to maintain its alien defectives?



The CHAIRMAN. The cost by States. Now, one problem which confronts this committee—and an effort has been made repeatedly to get it before Congress—is to the effect that a great State filled up with a large number of aliens should not bear the burden of the cost of the defectives in that State; that that burden belongs to the United States.

Mr. Box. I would like you to state, Mr. Lutz, what induced your organization, which is a strictly business affair, is it not? Your organization is an association of business men financed by 31 great industrial associations and some others?

Mr. LUTZ. Yes, sir.

Mr. Box. Now, what was your special concern about the accuracy of Doctor Laughlin's figures? You are a business concern. How does it affect your business interest?

Mr. LUTZ. Well, in a financial sense, we have no business interest.

Mr. Box. You do not expend the funds of that business organization on matters with which it is not concerned, do you? That is, matters with which it is not concerned in a financial way?

Mr. LUTZ. Oh, I think that would not be stating our position.

Mr. Box. Is not that a fact?

Mr. LUTZ. I do not think it is. We spend a certain amount of money and we make investigations of all kinds, many of which could by no possibility produce for us any money.

Mr. Box. And they have no business bearing?

Mr. LUTZ. No, sir.

Mr. Box. You heard the resolutions which your organization, for which you are working and which is paying you; you heard the resolutions this morning, did you not?

Mr. LUTZ. Yes, sir.

Mr. Box. Don't you know that they are interested in procuring an adequate labor supply? Now, you know that, from the resolutions, don't you?

Mr. LUTZ. Well, I will say this: I think anyone has a right to assume that business men who are manufacturers are interested in securing cheap labor.

Mr. Box. Yes; and this group is, you think?

Mr. LUTZ. Pardon me; I had not finished.

Mr. Box. I beg your pardon.

Mr. LUTZ. I have been very much surprised to learn, however, that in our board meetings we have a group who are absolute prohibitionists in this matter, something that I did not think could be found among manufacturers. I have learned that there is a good deal of difference of opinion, and that a number of our members are in favor of closing the door altogether, but of course they constitute a small group.

Mr. Box. But if they come here and ask for adequate labor supply, you know they are interested in it, generally speaking?

Mr. LUTZ. Oh, yes, sir.

Mr. Box. Is it not a fact that Doctor Laughlin's studies made at the instance of the committee, and that the Army experiments made by the Government during the war, tend strongly to create an immigration restriction sentiment, and is not that the reason for your criticism of this test?

Mr. LUTZ. No, sir.

Mr. Box. How would you justify the use of your people's money in making these studies, if that was not your purpose?

Mr. Lutz. I take the attitude in this matter of one who seeks the truth, and I think that an examination of our recent report on immigration will show that we bend over backward in trying to be impartial. So far as my own interest is concerned, I am very much interested, as a statistician in seeing that studies used as prominently as this one is, and for such important purposes, are scientifically accurate, whether they favor restriction of immigration or the open door.

Mr. Box. Did you consult with your associates or employers or did they instruct you to make this study?

Mr. Lutz. I called attention in a letter to my superiors to an article that was published in the public press, and I said, "This article is full of inaccuracies, and in tracing it to its source I found a good deal of it goes back to the report by Doctor Laughlin." The reply was, "Make a careful examination of that report immediately."

Mr. Box. And their purpose in instructing you to spend your time—you being their paid employee—was purely philanthropic, was it?

Mr. Lutz. We are not a philanthropic organization.

Mr. Box. That is what I understand, and you have a perfect right to present your views.

Mr. Lutz. Ours is a research organization.

Mr. Box. But any motive that is behind a movement before Congress ought to be stated and disclosed.

Mr. Lutz. I am disclosing our motive as frankly as I can.

Mr. Box. Don't you know that the business interest of this great association of manufacturers in having an adequate supply of cheap labor prompted your study and your presentation of this question to this committee?

Mr. Lutz. I know nothing of the sort, and I think that the assumption that these men, although they are large employers of labor and are manufacturers, necessarily put their business interest before their duties as citizens, is a false assumption.

Mr. Box. When it comes in connection with a request for an adequate labor supply, how do you totally divorce it from that?

Mr. Lutz. We have made no such request.

Mr. Box. You have not to-day.

Mr. Lutz. I refer to the testimony this morning of Mr. Friedel, who represents us: did he make a request for an adequate labor supply?

Mr. Box. You may not have requested it in words, but you discussed it very plainly in your resolution, did you not? And if you discussed it, did you discuss it with a view of warning us against it, or suggesting that we ought to draft it?

Mr. RAKER. Where is the resolution?

Mr. Box. Well, at any rate, you are the representative of this association?

Mr. Lutz. Yes, sir.

Mr. Box. And as such, you make this criticism of these studies made by Doctor Laughlin?

Mr. Lutz. Yes, sir.

Mr. Box. And of the investigation made by the Army?

Mr. Lutz. Yes, sir.

Mr. Box. But it is not in the interest of your people that you do it?

Mr. LUTZ. Not in their interest? I do not really know what you mean.

Mr. Box. Well, I think you do, if you will just think a moment.

Mr. LUTZ. Do you mean in their financial interest?

Mr. Box. Yes.

Mr. LUTZ. I would say, no; absolutely, no.

Mr. Box. They have no financial interest in securing an adequate labor supply?

Mr. LUTZ. I do not say that.

Mr. Box. You think that this test, that you say is unfair to the foreign born, tends to prejudice the public mind of the United States against the foreign born?

Mr. LUTZ. Yes, because it is erroneous.

Mr. Box. And it is your interest, then, in the foreign born, and in abstract justice to them, as distinguished from your interest in the money which your employers are to make out of their labor, which prompts you? Now, which prompts you, the interest in the abstract rights of the foreign born, if their rights have been violated, or the interest in the financial returns to your people from their adequate supply of cheaper labor? Which does prompt it?

Mr. LUTZ. You are asking me a question as to what my personal motives were in making this statement?

Mr. Box. No, Mr. Lutz, but if you were on the bench and two men came before you to present a plea, among the first things you, as an intelligent man, would want to know, would be whom they represented and what they wanted. You know that a man who is counsel for a certain interest, however honest he may be, is soon disqualified as a judge of that particular matter. Now, are you not here as an advocate of the view that the foreign born have been unjustly assailed, or their status misstated, and are you not advocating that in the interest of this association of manufacturers; and if not, how do you justify the expenditure of your time and money paid by them?

Mr. LUTZ. Well, it is rather complicated, but it seems to me that you assume that these men pay me to advance their personal interest.

Mr. Box. Can you imagine any other reason why they pay you?

Mr. LUTZ. I can imagine another reason, and I would ask you to refer to the statement of their purposes, the purposes of their organization as embodied in their statement this morning. I really believe that, in spite of the fact that the men constituting this organization are manufacturers, they are just as good citizens as you or I.

Mr. Box. Oh, that may be granted.

Mr. LUTZ. And I do not assume that everything they order their employees to do is dictated by the desire for some personal gain to result from that action. In fact, I know it is not.

Mr. Box. You think that they pay these assessments that we have been trying to get at to-day, pay this \$250,000 a year, maintain these 80 men up at New York, and send out this vast amount of advertising matter, and pay you, without any reference to their financial interest?

Mr. LUTZ. I do not think so. I think that, as in many other organizations, men join together primarily for mutual interest, I think that is true of many organizations in which two things actually coexist. There is their mutual interest to be served, and

their interest as citizens and members of the great American community is also to be considered.

Mr. Box. Yes; but don't you think that the fact that they have a direct interest sufficiently great to prompt them to maintain an organization for many years, and to spend a considerable amount of money for many years, coupled with their suggestion, at least, that they want this committee, or others, or Congress, to provide an adequate supply of labor—don't you think that their interest in it is liable to influence their views?

Mr. Lutz. No more so than the interest of any other man in anything that he does.

Mr. Box. It is exactly, because it is just the same interest that every other business man has or, group of business men who maintain large organizations for purposes of this kind—and we have many such here. It is because I think that interest is exactly the same that I ask you to state it, sir. It is exactly the same interest that other men have who spend large amounts to influence legislation and to influence the course of their government, is it not?

Mr. Lutz. I do not think the analogy is fair. This organization, to my knowledge, has never appeared before any committee of Congress before to-day, except the other day when Mr. Alexander appeared for a few moments.

Mr. Box. I want to ask you one or two other questions.

The CHAIRMAN. I think Mr. Lutz had another statement to make first.

Mr. Lutz. I think Mr. Alexander's appearance on this floor the other day was the first time we have ever appeared before any committee of Congress. Our constitution, which is the basis of our organization, absolutely forbids us to enter into any kind of political activity. So that the comparison you make between the organization that I am representing and organizations which do interfere in political matters is not a fair comparison.

Mr. Box. Well, you have not appeared here before, but Mr. Alexander did appear here a week ago.

Mr. Lutz. He appeared merely for a short time. He had to leave immediately.

Mr. Box. He appeared, and you gentlemen appear—within your rights, of course—and so you are engaging in political activity now.

Mr. Lutz. I will ask the gentleman to define my activity.

Mr. Box. In your testimony I was trying to get you to do it.

Mr. Lutz. Because I appear before a body of men who are elected by political action, I do not think that is, strictly speaking, engaging in political activities on my part.

Mr. Box. It may not be partisan politics along that line, but you are asking for political action on the part of your Government. I believe that is all.

Mr. WATKINS. Let me ask you, Mr. Lutz, as a statistician, if you can separate your own personal feelings from that of the employers, whatever that may be in their minds, in your experience as an American citizen in your daily activities, how do you view the suspension of immigration entirely—good or bad?

Mr. Lutz. My personal opinion is that we will probably come to it eventually. In my view, the industrial activities of this country have been conditioned to a very marked degree all through the period

of their growth by a huge supply of common labor, which could be depended upon every year it was needed. That is one of the conditions under which our industries have developed. I would say that the absolute suspension of immigration would be a very abrupt change. I do not believe that we know, as yet, what the continuance of immigration, or the suspension of immigration, or the restriction of immigration is likely to mean to our industrial development. It is as though, in a way, we had a horse going at full speed and suddenly stopped him. I do not believe that anybody else knows.

Mr. WATKINS. You are talking about the industrial situation. I am talking about the future of America in connection with it. Do you think it is good or bad to suspend it for a few years, with the exception of the immediate kin of those who are already here?

Mr. LUTZ. I should think it is going to be good or bad, according to which class of the population is involved. I think it is going to reduce a good many of our white-collared men to manual labor.

Mr. VAILE. You do not think that would be detrimental to the country as a whole, do you?

Mr. LUTZ. I think the men who are so reduced will not view the prospect with any great enthusiasm.

Mr. VAILE. You do not visit the dentist's chair with a great deal of enthusiasm, but it is probably good for you.

Mr. LUTZ. As long as it is not myself, I do not care particularly. But many of those boys who formerly could look forward to a career in the white-collared class, in the professions and semiprofessions, have got to get down to handling tools and dirty materials, and they are not going to be enthusiastic about it.

Mr. WATKINS. I do not know that they will not. I disagree with you there. But what I wanted to get is what you, as a man of affairs and one who has followed several vocations, and as a statistician and investigator, think about the situation. Do you think it is good or bad to suspend immigration for a few years, with the exception of the immediate kin of those who are already here?

Mr. LUTZ. I would say that in any society that has been going along as well—because we have done pretty well—as we have for a good many years, very abrupt and radical changes are to be avoided.

The CHAIRMAN. Let me carry that out a little. You will admit that we have had a great slackening of immigration for just short of 10 years; and industry has boomed along good and hard during those 10 years?

Mr. LUTZ. Yes, sir.

The CHAIRMAN. That is the whole war period.

Mr. LUTZ. Yes, but why did it do so? The very condition that produced the suspension of immigration produced the most wonderful industrial boom that this country has ever known. It was the war demand that did it.

The CHAIRMAN. But at any rate, we survived, and we have kept industry going at a high clip for what will soon be ten years, in two and a half years of which was immigration reduced by a quota law. Now, that whole process, including the beginning of the war in Europe, was rather abrupt to the scheme that always brought us a large annual immigration to fill up the ranks of labor; and having survived it now for nearly ten years, are we not in a better way to

carry along a heavy restriction, to the point of near suspension, than we are to wait until the time when you yourself think it is inevitable that we must cut off immigration?

Mr. LUTZ. That is a matter of when it will happen and how fast it is going to happen.

The CHAIRMAN. Because the longer we postpone that step to cut it off, are we not increasing the danger of being unable to cut it off?

Mr. LUTZ. I do not see why. The sentiment in the country seems to be overwhelmingly in favor of restriction.

The CHAIRMAN. You agree to that?

Mr. LUTZ. Oh, yes.

The CHAIRMAN. But don't you know that in districts which are heavily populated with aliens and naturalized citizens the feeling is such that the representatives in Congress from those districts have joined in that feeling and been against the restriction of immigration; or if they are in favor of restriction, they have so modified their views as to limit it to the relatives of all degrees?

Mr. LUTZ. I think that brings us to a point that I would like to make in connection with this proposed change in the law. It is very natural that districts where there is a large alien population should want a liberal interpretation of the law for the purpose of getting over their friends and relatives. I think that is one of the chief motives behind those people. In connection with that, it seems to me that the proposed change to the 1890 basis meets with serious difficulties. Take the Italians, for example. There are a great many of them here. It is perfectly natural that they should desire to bring over their relatives. They would not be human if they did not.

The CHAIRMAN. If immigration should be loosened up again that would apply in ever-increasing ratio.

Mr. LUTZ. May I finish in reference to the 1890 basis?

The CHAIRMAN. Yes.

Mr. LUTZ. You make such a huge reduction in the number of Italians that you will increase very greatly the discontent and dissatisfaction with the law among the Italian population. I think it is perfectly natural that this large number should wish to bring over their relatives. Now, under the new quota they can not even do that, because they are cut down so far. That is one of the cases where I think this proposed change in the law involves a radical break of the sort which should be avoided as far as possible.

The CHAIRMAN. There is not much difference between setting the census figures back in order to get a basis for limiting the amount of immigration, and reducing the quota on a later immigration. Now, all the members of this committee are trying to settle up this matter and do what is reasonable and right with due regard to the people of the United States. You heard the witness to-day from Youngstown, Ohio, Mr. Grosshandler.

You know that Youngstown is 25 per cent foreign born, and that the villages and settlements all up and down the valley are very heavily foreign born. It is the center of a great portion of the steel industry. Now, Mr. Grosshandler made some very fine statements, but I could see the stress under which he labored, on account of his interest in the people of the type that he knows, who live in and about Youngstown. That is the situation in which this matter has been before this committee over and over again, and yet Mr. Gross-

handler is the editor of an upstanding foreign language newspaper. There is much in what he says, and it is through papers of his kind that we have our only contact with the great alien population. I think the committee has come to the point a long time ago, and figured carefully that if industry must sag a little bit for want of labor, it will have to sag.

Mr. VAILE. Rather than have a large part of our people read newspapers printed in a foreign language. It is admitted that that is a point of contact now, and our only contact, and it is not a thing that we want to perpetuate.

Mr. RAKER. Have you made any analysis as to whether or not there are enough people in the United States today to do the work that we have here to be done?

Mr. LUTZ. No, sir. I would want two years and plenty of money to make such an investigation. It is a most difficult and complicated problem.

Mr. RAKER. Then you are not familiar with the question of the employment and nonemployment of men and women?

Mr. LUTZ. I keep in fair touch with those statistics.

Mr. RAKER. But you are not in a position to give an opinion on that?

Mr. LUTZ. No, sir. That is, one can give a close estimate as to the number unemployed, but as to how far the available labor supply in the United States is sufficient for the industrial needs of the country nobody in the country can give an accurate estimate.

Mr. RAKER. You are familiar with the fact that during the last three years there has been very little immigration of men from 19 to 40 years of age, men with good strong physiques and capable of performing various kinds of labor?

Mr. LUTZ. You say there has been very little of that class?

Mr. RAKER. Yes; in the last three years.

Mr. LUTZ. I have not analyzed the age figures. I do not know.

Mr. RAKER. It has been assumed and stated, and I think your reports show, that the great bulk has been women and children and aged fathers, coming over as relatives. Now, as has been stated, for 10 years there has been but little immigration, and during the war we proceeded to perform more labor than had ever been performed in our history with our own people. We even did more than we are doing now. Is that correct?

Mr. LUTZ. Yes, sir.

Mr. RAKER. Just tell the committee why we can not do that again?

Mr. LUTZ. To begin with, there is not the stimulus, there is not the motive. There were people who were willing during the war, and who did, work night and day, and we used a great many women. The spirit behind the population was the same spirit that was in the Army. The people were willing to do anything they possibly could and make every sacrifice. I do not think that condition prevails to-day. Take the foreign countries. They are in exactly the same situation. In England the laborer would waive his union restrictions and everything else, during the war, in order to help on the war. He is not willing to do that to-day.

Mr. RAKER. Whom do you refer to as the white-collared boys?

Mr. LUTZ. The clerks, foremen, and salesmen, particularly the commercial class

Mr. RAKER. We should not have any distinctions in this country of the kind and character of people who do the different kinds or degrees of work, should we?

Mr. LUTZ. No, sir.

Mr. RAKER. And what you call the white-collared boys, if they remain here they have got to get to work and make a living?

Mr. LUTZ. I think they are working now. It is simply a choice of where they are to work. In 1915 I was in charge of an industrial survey of the city of Cleveland, Ohio, studying particularly the problem of vocational education and training of boys and how far it was possible for the public-school system to train boys for wage-earning pursuits. In this survey we had to make a very careful analysis of the industrial and other activities of the city, and our conclusion, briefly, was that in a great many occupations, particularly in the steel mills, it was absolutely useless to teach those occupations to boys of native birth, because they would not go into the mills. The boys of native birth became clerks and salesmen, chauffeurs, and that sort of thing, but most of them felt that the dirty work of the community was to be done by people from the outside.

Mr. VAILE. Precisely.

Mr. LUTZ. They had imported for years a large supply of foreign labor to do the ditch digging, the handling of hot metal, and all the dirty and greasy work in the community. They felt that the American boy did not have to do such work, that his part was to go up in the social scale in work which was cleaner, freer from accident risks, allowing him to dress better, enjoy a higher social status, and, in general, become a more useful human being.

Mr. RAKER. That thing can not exist, can it?

Mr. LUTZ. Not if you shut off immigration.

Mr. VAILE. Don't you think that that kind of a situation where the native population has come to rely on the hard work, the dirty work and the mean work being done by people that they call "wops" and "bohunks," is a mighty bad thing for a republic?

Mr. LUTZ. Well, I do not know. You know the Greeks attained the highest civilization of antiquity.

Mr. VAILE. Well, antiquity is a long way off.

Mr. VINCENT. Was not that the cause of their overthrow?

Mr. LUTZ. I do not know. Possibly it was.

Mr. VINCENT. I take it that you are personally in favor of this resolution that has been presented to this committee by the organization for which you work?

Mr. LUTZ. Yes, sir.

Mr. VINCENT. Have you any lawyers connected with the research work of that board?

Mr. LUTZ. Yes, sir.

Mr. VINCENT. Now, a part of that resolution is that, among other things, this commission which is proposed shall make recommendations of "practical methods of selecting, distributing, and assimilating immigration." Do you know whether the question of the legal power of the United States Government to distribute immigrants in this country was ever considered by this board?

Mr. LUTZ. I do not know that it was. I do not know anything about it.

Mr. VINCENT. Well, this resolution is supposed to have some influence, is it not?



Mr. LUTZ. I should think so.

Mr. VINCENT. Do you think it is a fair thing for a board that is composed of great industrial employers in this country to pass resolutions expected to have influence among our people along a certain line and give the impression that a certain thing of great moment to this country can be done without the least consideration being given to the power of this Government to carry out such a proposition?

Mr. LUTZ. Might I ask whether the wording of that resolution implies or means that such distribution has to be effected exclusively by the Government of the United States?

Mr. VINCENT. It is a resolution from your board. What do you say it means?

Mr. LUTZ. May I see it a moment?

Mr. VINCENT. Yes.

Mr. LUTZ. It says "practical methods of selecting, distributing, and assimilating immigration." Well, it can be understood in many ways. I may say this, that if immigrants are to be selected, and apparently they are to be selected, somebody has got to do it.

Mr. VINCENT. I am not so much concerned by the word "selected" as I am by the word "distribution." What do you understand that to mean?

Mr. LUTZ. Well, we find at the present time they are congregating in New York and forming colonies, and in many other places they form colonies, which I think everyone will agree is rather a bad thing.

Mr. VINCENT. I agree with you.

Mr. LUTZ. And how is that to be avoided? Many people have worked on this problem. Some social welfare organizations have studied it, and I think in some cases they have accomplished something. Now, I am not a lawyer, but I do not believe the Government of the United States, under the Constitution—and mind you, this is the opinion of a layman which has no legal value whatsoever—has any power to distribute immigrants around here and there and everywhere. In fact, I hope we will never reach the point where a human being can be carted around and told where he has got to go in this country.

The CHAIRMAN. Just following that up, would you think the Government might not cart them into the United States at all, by a selective process or by any other process?

Mr. LUTZ. Well, are we not doing that with the Mexicans right now?

The CHAIRMAN. No.

Mr. LUTZ. Not the Government, but we are permitting them to do it.

Mr. RAKER. We are paying them to come in at so much per.

The CHAIRMAN. A selection implies the picking up and bringing in under Federal supervision by some one with Federal authority. That is the first step in the carting process. Distribution is step No. 2. Supervision, as was proposed to us a year ago by the legal counsel of the manufacturers, means the distribution of the men under the Federal Government, the Federal Government to control and supervise them. We thought we had got through with that some years ago, but it has popped up here in resolutions calculated, just as the gentleman from Michigan indicates, to make people believe that there is something to it.

Mr. VINCENT. I would like to ask you if you do not think it is most unfair to a committee of Congress, or to the Congress of the United States, for a body of influential men to inferentially teach people of this country that they may expect from that Congress something which that Congress can not do under our institutions and Constitution? I am not talking about the political hazards of it; I am talking about the right and wrong of it.

Mr. LUTZ. It depends on your premise. If you can claim, as a true and fair interpretation of that paragraph, that our organization has done such a thing, I should say it is not right. But I do not believe that the claim that they have done this is a sound conclusion from the resolution.

Mr. VINCENT. I take it, though, that all of these things are to be provided for by legislation in some way by Congress. Is not that the fair purport of it?

Mr. LUTZ. No, sir. The recommendation is for the appointment of a competent commission to study these different subjects.

Mr. VINCENT. And you think that the question of distribution will be simply studied, but that we are not expected to embody any result of that study in the legislation later?

Mr. LUTZ. I would point out that this refers to the work that the commission will do. It does not refer to the kind of law that this committee may draft or that Congress may pass.

Mr. VINCENT. So that this commission would simply be a commission to take up the question of distribution and point out what might be done, but that pointing out would not be for the benefit of the Congress, but would be for the benefit of somebody who might be inclined, through their benevolent feelings, to put it into effect by seeing if they could distribute the people?

Mr. LUTZ. I think the word "distribution" covers the situation which undoubtedly exists. It would be highly desirable if the immigrants were better distributed. Now, it may be possible or impossible to devise any means, whether by governmental intervention or by private means, or in any other way, to control that distribution. That does not alter the fact, however, that the problem of distribution—to remedy the colonizing of these aliens—is a thing that should be studied to see whether there is any way, by governmental or by any other means, to obviate that condition.

Mr. RAKER. Can not we prevent the colonization if we prohibit the immigration?

Mr. LUTZ. Oh, yes, you could.

The CHAIRMAN. Let me ask you one question, and if you can not answer it maybe the gentleman from New York can. Was it given out to the public press or by circular or otherwise that this immigration conference to be held in New York a month or so ago, under the auspices of the National Industrial Conference Board, would aid Congress in arriving at a conclusion in respect to immigration legislation?

Mr. LUTZ. To aid Congress?

The CHAIRMAN. Yes.

Mr. LUTZ. I do not remember any such phraseology or anything that could be taken in that way, do you, Mr. Friedel?

Mr. FRIEDEL. No; not in the "call."

The CHAIRMAN. But it did appear in the newspapers. In the call of the conference, in the second paragraph, it says that immigration is one of the most important questions requiring the attention of Congress, and then it goes on to say that the law will expire on June 30, 1924. Then it goes into the reasons for calling the conference. I was assuming that the conference was held to develop debate.

Mr. BOX. The questions submitted all deal with legislative action.

The CHAIRMAN. It goes on to say, "shall the percentage be changed," and "shall the quota be changed." It seems to be with a view of developing the idea that it might be used in the preparation of legislation. It would follow, therefore, that the resolutions as read this morning—the resolutions of the board—were for the purpose of suggesting legislation.

Mr. RAKER. Was it not, as a matter of fact, primarily and fundamentally, called for the purpose of presenting matters so that they could in turn be presented to the Congress that was to meet in December?

Mr. LUTZ. Most of our studies and conferences have to do more with affecting, first, the opinions and views of our own members, and second, public opinion.

Mr. RAKER. But this particular one is what I refer to. It related entirely to immigration, and the call says that the immigration law would be suspended by its own operation on the 30th of June, 1924. Was not the conference called for the purpose of getting views and opinions, to the end that they might be presented to the proper committees of Congress and to Congress, for the purpose of legislation?

Mr. LUTZ. I think, primarily no.

Mr. RAKER. Then what was the blamed thing called for?

Mr. LUTZ. I think Mr. Friedel pointed out this morning what it was for. As I say, we have discussed this matter in conference for years, and this is the first time, to my knowledge, that any representative of our organization has appeared before a committee of Congress. There are many things that we work on that would affect legislation and that have a direct bearing on legislation, but we have never, up to this time, appeared before a committee of Congress.

Mr. VINCENT. Don't you think that this material that these gentlemen have just referred to, going out to 25,000 industrial institutions in this country, would be calculated to give them the impression that the various things that were to be talked over could be accomplished by legislation on the part of Congress?

Mr. LUTZ. It would have a distinct relation to legislation, of course. That is obvious.

Mr. VINCENT. And could anybody read these resolutions, in the light of what has gone before, without getting the impression, whether he is a Member of Congress or a member of the social body of this country, that these things referred to could be embodied into a law, and enforced, including distribution, carting around and placing people in places where they are supposed to work and stay?

Mr. LUTZ. I call your attention once more to the fact that the paragraph you mention and the words you use are merely sub-heads under a general recommendation that a commission be appointed to study these subjects, and that all it means is that this commission should consider those particular points, such as distribution, and so on, and make a report.

Mr. VINCENT. And the commission should find out whether they have any power to do that?

Mr. LUTZ. Probably, I should think so.

Mr. WILSON. If that commission reached a conclusion that these immigrants ought to be selected and should be distributed, to what authority would they go for the distribution?

Mr. LUTZ. That is largely hypothetical.

Mr. VINCENT. Before such a suggestion goes out, there should be some fundamental investigation of the question of power, before a great body of our people are taught that such a thing will be investigated along the line that it may be done.

Mr. WILSON. As I understand it, in answer to Mr. Wilson a while ago, you stated that this distribution might be carried on by some organization other than the Federal Government?

Mr. LUTZ. The point I made, I think, was that the resolution itself did not go that far. The point I attempted to make at that time was that the resolution did not limit whatever was done with respect to distribution to governmental agencies.

Mr. WILSON. Had it occurred to your board that the question of immigration, its admission and the handling of it after it is admitted, is exclusively a function of the Federal Government, and the courts have so held?

Mr. LUTZ. That I can not say. I do not know.

Mr. WHITE. Well, we are all against contract labor, without any exception. We have done away with it now, but there was your agency for distribution. They got them where they wanted them. They went there and knew where they were going, but you can not do that now.

Mr. BOX. Some of the witnesses get what they want—not this gentleman; I acquit him and his associates—but one of the witnesses has already been after us and asked us to repeal the contract law.

Mr. WHITE. As I say, that was an agency for distribution that worked, but we are against it and nobody wants it.

Now, I want to discuss the philosophy of life for about a minute. I do not want to break in too much. I do not believe there is any white-collared aristocracy in this country or any white-collared class. I have heard Judge Raker say a good many things so directly in the different sessions of this committee held in the last four years that led me to believe that he and I were absolutely agreed on that point, and on some others we may agree. Now, you talk about your dirty work. The mechanic is better paid than the clerk in the store. He is better paid than the bookkeeper. He is not in it, socially, the way the bookkeeper is, but the mechanic gets into the white-collar class on Sunday anyway. We have a great democracy of equality here. I do not think the situation is bad at all. We have had more Presidents in the last 50 years than at any other time in the life of this great Republic that were not born in the white-collar class. They were born in poverty and worked their way up. None of them, to my knowledge, has ever deplored the fact that he passed through this experience. I look around at this committee, and you look like millionaires to me, all of you.

Mr. BOX. We do not feel like we look.

Mr. WHITE. I am not inquiring particularly as to your experiences in life, but I think it is an erroneous idea, it is a perversion of the

actual sentiment of this country to say that there is any white-collar class. I do not know that the man who clerks or works in business feels himself above the mechanic who does the dirtiest work that is done in this country. He has no right to feel above him. We have started in here to restrict immigration, and we are working along that line, and I think we are going to work it out along the line of the Johnson bill. Even if the situation should develop, referred to with so much feeling, ability, and analysis by my good friend from Texas, Judge Box, and if the proportion of grafters is as large in the foreign countries as we have been led by the statement of one witness to believe, I can not bring myself to believe that it will seriously affect the situation if we have our examinations over there, if we work it out over there, if foreign countries will agree to it.

I opine, gentlemen, that the immigrant who seeks to come to this country will know really where he stands; he will understand the law and he will be better instructed than he is now. If he deliberately perjures himself, if he misrepresents his condition in order to get in here, he is not going to be an object of my sympathy if we send him back. If we are able to work this out along the lines that have been discussed so very laboriously in this committee, I think probably we will get a better class of immigrants and that we will send fewer of them back than we do at the present time. I do not know but what we are unduly exercised in seeking to avoid the evils that we have, or in our imagination we see that we are inviting or flying to others that we know not of.

This policy of the Government is new, and I do not believe there is a man in the United States who studies this question with any degree of care or application, who expects that we can do it smoothly and easily. It is one of the most complex, comprehensive, and most difficult steps of legislation that we have tackled, if you will allow that word, in many years. I think we have gone along pretty well. That is all.

Mr. FRIEDEL. Is any common labor really common?

The CHAIRMAN. The statistics show that even when we got a million a year the percentage of labor on farms was very low. The statistics under the quota show a very low percentage of labor there. Inquiries we have received from many fields for labor show that it must be the difficulty either with the labor at the moment or to follow it. That is the problem before the committee.

We thank you very much, Mr. Lutz.

(Thereupon, at 5.40 o'clock p. m., the committee adjourned until to-morrow, Thursday, January 3, 1924, at 10.30 o'clock a. m.)

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#### COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES,

Thursday, January 3, 1924.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. We have a long list of witnesses. I will read the list of those who have appeared, some by arrangement and some voluntarily. They are as follows:

Mr. William Edlin, editor *The Day*; chairman of the Committee of United Foreign Newspaper Publishers and Editors of New York and representing Ukrainian nationals.

Mr. G. G. Berko, of New York, publisher of Hungarian newspapers.

Mr. M. F. Wegrzynek, publisher of a Polish newspaper.

Mr. V. Shimkin, publisher of a Russian newspaper in New York.

Mr. Karel Leitner, publisher of a Czech newspaper.

Dr. Paolo Parisi, Italian editor and publisher, New York.

Mr. Cairoli Gigliotti, publisher of an Italian-American newspaper in Chicago.

Mr. Gray Silver, of the American Farm Bureau Federation, who agreed to appear later this evening, if necessary.

Mr. James A. Emery, of the committee of the National Association of Manufacturers, who agrees to appear at 3 o'clock.

Mr. Jacob Fishman, editor of the Jewish Morning Journal, of New York.

Dr. Stephen S. Wise, of New York.

Hon. Louis Marshall, of New York.

Mr. Joshua Kantrowitz, of New York.

Mr. Gedalia Bublick, editor of the Jewish Morning News, of New York.

Mr. Max Klein, of New York, representing certain labor unions.

Mr. O. D. Koreff, of Pittsburgh. Also Mr. Bergler, representing the Czech National Alliance.

We shall have to make some arrangement as to how these witnesses are to appear.

Mr. HOLADAY. Mr. Chairman, will it be possible for the representatives of the various foreign language newspapers to agree among themselves to have one or two of their number present the matter in which they are interested?

Mr. DICKSTEIN. I assure the gentleman they will be very brief. If you find it becomes too long, we will cut it down. I will arrange that. I do not think they will be more than 5 or 10 minutes with the exception of one, who might take a little longer.

The CHAIRMAN. I think it will be better, so that we may not run over the whole scheme of immigration, to limit questions asked witnesses, as far as possible. Let the witnesses make their statements and reserve your questions. Perhaps if we can arrange the time which the witnesses think they need, we will see if we can not adhere to that. Is that satisfactory?

Mr. BOX. As nearly as possible, Mr. Chairman, I will conform to it. We will have to abbreviate this as much as possible.

Mr. DICKSTEIN. So far as the New York delegation is concerned, I have practically arranged that with their consent and we will use our best judgment to satisfy the committee.

The CHAIRMAN. If you will consult with Judge Sabath as to the order of procedure, we will call on some witnesses.

Mr. DICKSTEIN. I will ask the chairman to call upon the Hon. Louis Marshall, who will open the opposition.

The CHAIRMAN. Mr. Marshall, we are glad to see you. How much time do you think you need this morning?

Mr. MARSHALL. In opening, I might perhaps take a little more time than the average. I will try to be very brief. If I grow tiresome, I am quite sure the committee will call me to order.

The CHAIRMAN. You are never tiresome, but it is merely a question of time.

Mr. MARSHALL. I shall try to open the question on such lines as will probably facilitate the discussion by others and will tend to

shorten matters rather than lengthen them. I promise you I shall not take as long a period as I did two years ago, when the question was quite new, because I shall refer to what I said at that time, and like the man who wanted to shorten his prayers, I will say, "Them is my sentiments," so far as those questions are concerned.

The CHAIRMAN. Very well.

#### STATEMENT OF MR. LOUIS MARSHALL, NEW YORK CITY.

Mr. MARSHALL. Mr. Chairman and gentlemen of the committee.

This bill which is now before us, House bill 101, introduced by your chairman, is one of utmost importance, because it involves thousands of human beings, their welfare, their happiness, and their future. It also involves what is of primary importance, the welfare of our country, its development, and its future. It is a bill which is a vast improvement, so far as its administrative features are concerned, over any bill which has hitherto been introduced before this committee. To a very great extent I think it will tend to alleviate the conditions which have prevailed under the present law, of having a large number of people arrive here after the expiration of the quota without previous notice as to what their fate would be and their deportation under most trying circumstances.

I am happy to say that in many respects it adopts the principle for which I contended two years ago, namely, that if a certificate is issued to an intending immigrant, or if, under the law, he is fortified with a passport and a visé, that should be considered as the equivalent of a ticket of admission, provided he passes the tests which are set forth in the law.

I felt then and feel now that the Government of the United States can regulate a matter of this sort just as easily as a private corporation. The Pullman Co. has never had any difficulty in finding accommodations for everybody to whom it has issued a ticket. These tickets are sold in San Francisco, New Orleans, Chicago, New York, Boston, and it very rarely happens that two tickets are issued for the same berth. And what can be done by a private corporation certainly can be done by the United States, with all of the power at its command.

I trust that we have seen the last of those unfortunate incidents which have occurred during the past year. On one occasion, a vessel containing a large number of immigrants arrived at the port 15 seconds before the beginning of a month and were threatened with deportation because they came a few seconds too soon. On a more recent occasion, it was determined that the quotas for Russia had been exceeded about noon on November 1. This was, as was subsequently learned, the result of an erroneous system of bookkeeping. The quota had not been exhausted. About 1,000 persons who were threatened with deportation were finally admitted here. Unfortunately, however, before the discovery was made, 200 of them were sent back across the watery wastes and are now floundering around in foreign lands waiting until an opportunity may present itself to come to this country.

I take occasion now to say that I believe it to be the bounden duty of our Government to enable those people to come back here to be admitted, as they had a lawful right to be admitted on the day when

they landed here. I have asked the Department of Labor to make such a ruling.

I have said this because I feel that it is the duty of those who come here not to be carping critics, but to try to help the committee in framing a measure which is constructive in its character and which will avoid hardships to the persons who arrive here and inconvenience to the Government and excitement in the minds of the public.

The one fundamental thought which is contained in this bill, to which I take exception and which, I think, constitutes its real weakness, is that section which I think it will be conceded, is the central idea of the bill. It indicates how many immigrants are to be admitted into this country under the quota principle. I refer to section 10, subdivision (a), which reads:

When used in this act, the term "quota," when used in reference to any nationality, means 200 and in addition thereto 2 per cent of the number of foreign-born individuals of such nationality resident in the United States, as determined by the United States census of 1890.

That varies, as we all know, from the present act, in that the basis of computation is the census of 1890 instead of that of 1910, and the rate is reduced from 3 per cent to 2 per cent.

What is the effect of that change, and what must be regarded as the intention and purpose of the change so made?

The members of the committee know me well enough to know that whatever I shall say is not based upon any intention to criticize any individual member of the committee or the committee as a whole. It is a criticism, however, of a school of thought which I think is entirely erroneous.

I have before me the report of this committee, Report No. 1621, presented to the last Congress, on February 15, 1923. This report on page 17, with reference to a project similar to that which is now under discussion, contained a table showing the number of admissible immigrants under the quota of 1910 and the number of admissible immigrants under the proposed quota of 2 per cent of the census of 1890.

It is a very good rule to apply to this table the principle incorporated in the well-quoted statement, "By their fruits shall ye know them."

I will not consider each of the nations, because some of them are small, and under either of the two bases the number of immigrants would not exceed 200, which, under the present proposed act would be allowed to any country. Therefore, I shall first take up Austria. Under the present quota, based on the 1910 census, Austria would be entitled to 7,451 immigrants and under the proposed quota only 1,103.

Belgium, to whom our hearts went forth during the war, would be entitled under the present law to 1,503, whereas under the proposed law she would be accorded only 510.

Czechoslovakia, under the present law, would have allowed to her 14,557, whereas under the proposed law she would only have 2,031. And when I speak of Czechoslovakia my mind reverts immediately to the great men who are at the head of that country now, President Masaryk and Mr. Benes, and of the many noble people who have come from that country and who have enlightened civilization.

Denmark, 5,619 now and under the proposed law 2,785.



France, under the present law, 5,729 and under the proposed law only 3,914.

Germany, until recently regarded our foe, under the present law, 67,607, and under the proposed law would still have 51,227.

While in other countries the number have been decimated, literally speaking, here there is only a difference of about one-sixth.

Greece, under the present law 3,294 and under the proposed law 47.

Hungary, under the present law, 5,638 and under the proposed law 474.

Italy, under the present law, 42,057, and if this law as now proposed would go into effect our former ally would only be allowed 3,912. I am not surprised that the Italian Government has, within the last few days, protested against such a change in the law, which one would say, as her spokesman declares, is an indication of discrimination against her subjects.

The Netherlands, that is, Holland, under the present law 3,607 and under the proposed law 1,637. I am afraid that Henry Bok, who has done so much for our country, and is a native of the Netherlands might find himself, if he were now to come to this country for the first time, turned back after 1,637 had been previously admitted from his native land.

Norway, under the present law 12,202 and under the proposed law 6,454.

Poland, under the present law 21,076 and under the proposed law 5,156.

Eastern Galicia, under the present law 5,786 and under the proposed law 870.

Pinsk, under the present law 4,284 and under the proposed law 395.

Rumania, under the present law 7,419 and under the proposed law 638.

The Bessarabian region, under the present law 2,792 and under the proposed law 258.

Russia, under the present law 21,613 and under the proposed law 1,992.

Lithuanian region, under the present law 2,310 and under the proposed law 313.

United Kingdom, under the present law 77,342 and under the proposed law 62,458.

Yugoslavia, under the present law 6,426 and under the proposed law 851.

I have read sufficient to indicate what a change there would be. What does one discover from an analysis of these figures? We discover what has been frankly stated by some who favor this kind of legislation, that it indicates a purpose to permit practically unchanged immigration from northern and western Europe, with the exception of France and Belgium, and a very much decreased and diminished immigration from southern and eastern Europe.

That at once gives rise to the thought that there is a purpose to discriminate between the different nationalities affected, practically allowing western and northern Europe to send its immigrants without appreciable diminution and practically preventing immigration from southern and eastern Europe.

I am not going to bring any politics into this discussion, but one would say, having recently read the proclamation of the Imperial Wizard of the Ku-Klux Klan that the ideas which underlie its theories of Government in the United States find an echo in this legislation, because the people who are to be admitted are white, largely Protestant, and are of so-called Anglo-Saxon stock, while those who are to be excluded are not Protestants and are not Anglo-Saxon, although they are white.

Whether that be the underlying thought or not, the discrimination between peoples is foreign to the fundamental principles of our Government. We have prided ourselves in the past upon the fact that we have not been respecters of persons. It is the man who counts. Our laws heretofore, so far as immigration is concerned, have been based on the idea that whoever is mentally, morally, and physically fit, whoever will not become a public charge, whoever is not an enemy of organized government, whoever can read and write, may be admitted into the United States.

And now these principles of selective immigration, the only sound principles of selective immigration, are to be cast aside and a new doctrine is to be enunciated in these sacred United States; that a man is to be excluded, because his cradle was rocked in one part of Europe rather than in another; that if he happened to be born in Great Britain or in Germany or in Scandinavia, there will be no difficulty as to his admission into the country, but if he was born in Italy or in Austria or Czechoslovakia or Russia or Rumania, then he is practically told, "You must not come into these United States."

Mr. RAKER. Mr. Marshall, before you pass that subject, speaking of the imperial wizard——

Mr. DICKSTEIN (interposing). Mr. Chairman, I rise for a point of order.

Mr. RAKER. Does not the American Legion take the same position?

Mr. MARSHALL. I do not know what the American Legion has done,

Mr. SABATH. I think they do condemn the Ku Klux Klan.

Mr. MARSHALL. I think they have condemned the Ku Klux Klan, if that is what you mean.

Mr. SABATH. I think they are taking the same position.

Mr. DICKSTEIN. Mr. Chairman, may I have stated upon the record just what procedure is going to be followed? May a member interrupt or must the question be put to you?

Mr. RAKER. I am going to state to you now, as long as the committee is here, when I think it is proper, without trespassing on the rules, I shall attempt to assert my rights.

Mr. DICKSTEIN. Who is to decide whether it is proper or improper?

The CHAIRMAN. We have attempted to agree upon an order of procedure. I think we will get along very well if Mr. Marshall proceeds.

Mr. MARSHALL. I have never failed to answer any question that has been put to me heretofore.

Mr. RAKER. You have been very nice in that regard.

Mr. MARSHALL. I would prefer, very much, Mr. Raker, if you would permit me to keep to the general line of my argument and after I am through, if you desire to ask questions, I shall be very happy to answer them. Of course, my time is necessarily circumscribed by the

fact that there are so many here who desire to be heard. If you can fix another day when I might be allowed to take the witness stand and be cross-examined by you, nothing in life would please me so much as to have that opportunity.

Mr. RAKER. That would be a delight to me, too.

The CHAIRMAN. We will forego the cross-examination for the present, then, and you will proceed, Mr. Marshall.

Mr. MARSHALL. Coming back again to the figures contained in your committee report, let me show what the effect would be under this quota. Under the present quota the number of admissible immigrants is 357,803. Under the proposed quota the number is 168,837. When you analyze the figures and the deductions, which amount to nearly 200,000, nine-tenths of them are from southern and eastern Europe, which certainly indicates a design to keep intending immigrants from those areas out of this country. We have heard a great deal about anthropology. There has been more anthropology published in the press and in printed books during the last 10 years than has ever before been conceived by the mind of man. Instead of being a fixed science, it is one of guess. You can make your statistics while you wait, or while the public waits. There have been some distinguished gentlemen who have created a new race for us in the last 10 years. Nobody ever before heard of it. I have delved in anthropology on many an occasion, but when I first heard the name of the Nordic race I felt that I would have to charter a ship, as Columbus did, and start on a voyage of discovery to find its habitat. What is the Nordic race? Let me tell you what it is. There was a gentleman by the name of Chamberlain, an Englishman by birth, who, during the war became a renegade, a subject of the Kaiser, he having previously basked in the sunshine as the personal friend of the Kaiser. That gentleman wrote a book, *The Foundations of the Nineteenth Century*, and there he promulgated the theory that the salt of the earth is the Teutonic race. No other nations need apply. All the rest of them are inferior imitations. You must be a Teuton if you wish to belong to the elect, was his doctrine, and if you are not a Teuton, then you are nothing.

That was very popular doctrine with the Kaiser and he made the most of it, because that he read out of civilization every nation in the world except the Teutonic.

You know that when the war had been going on for a couple of years, the Teuton was not as popular as he was when Chamberlain wrote that book. But Chamberlain had a lot of followers in the United States, so far as his theories were concerned, and they had to create a new race to take the place of the Teutonic who had lost his popularity. So a gentleman, who is a zoologist, Madison Grant, created the Nordic race. But he was not a real scientist, after all, because he promulgated that notion in a book which he called "*The Passing of a Great Race*," meaning thereby to say that that noble creation of his mind, the Nordic race, was disappearing.

Well, being a Darwinist in theory, I wondered how this scientific man could square the idea of the passing of that great race with the doctrine of the survival of the fittest. And when the other day, Professor Osborn, of the Museum of Natural History, also lamented that there was a steady disappearance in many parts of the world and in many parts of our country of the Nordic stock, I wondered why this fabled race was so frail and fragile.

Well, if it never existed, of course it could easily disappear. But if it did disappear, it is not very complimentary to the Nordic to say he permitted himself to be wiped out by inferior races.

There is a gentleman who is going to appear here in a few days. I noticed his name on one of the lists. He is Mr. Lothrop Stoddard, who has written a book proclaiming a similar idea called "The Rising Tide of Color," which elaborates the terrifying thought that ere long, only the colored races will remain on the globe and white civilization will disappear as a result of a total eclipse. Then there have appeared some other books of the same type. If you read those books, you will be frightened to death. You will believe that in a short time a negro from Dahomey will sit in the chair of the President of the United States and that this country will be peopled by a colored nation. Only those who delight in ghost stories can seriously entertain the idea that such a change in our color scheme is likely to occur. At any rate, we need not legislate upon that theory as yet.

Let me just ask you some questions, and I shall submit to cross-examination later myself.

What is meant by the exclusion of southern and eastern European nations? Have those of them who have come here done this country any harm? Have they not been industrious? Have they become public charges? Have they deteriorated our economic condition? Have they not added to the national wealth to an extraordinary degree? Is not every one of them a human dynamo?

Would we reject a gift of 100,000 dynamos a year if they were given to us by Europe, built at its cost? Yet we are now talking about the rejection of these human dynamos, these great assets, men who are to be found in every occupation, in every trade, as working men, as professional men, as men who occupy high positions in the State and in the Nation and in their several communities.

Have they not brought gifts to us? Have they not brought moral convictions? Have they not in every way worked into our national life?

Whatever language they speak, they think American very soon and their children speak American and act American.

Did you ask any questions when the war was going on and we were seeking to enlist an army, or to conscript an army, as to whether the men whom you called were born abroad or here?

Why, I know something about it. I served on the district board in the city of New York, on a committee of which the present Secretary of State was the chairman, for 18 months. We passed on 175,000 cases, and I can tell you that the foreigner, the immigrant, yes, those who had not even taken out their first papers, indicated their desire to fight for the country and they did fight for the country. And they performed acts of valor and bravery and courage. Some of them received the Congressional medal. Others were cited in the reports of their generals for distinguished bravery.

Abraham Krotishinsky, who saved the "Lost battalion" was a little barber on the East Side who had not taken out his first papers.

We did not ask any questions then as to whether those people came from one part of Europe or another. We wanted men and they were men and fought like men.

I am going to give you one illustration of what this law means. If I were to ask you now what branch of industry has made the

greatest advance in the last 40 years in this country or in the world, so far as that is concerned, you would at once say it is the electrical industry. Have you ever thought who it was in the United States that did more than anybody else to create the present advance in electrical development? I will tell you who they were. Four men who would have been excluded under this law. That sounds strange, doesn't it?

One of them is Nikola Tesla, who made it possible to harness Niagara Falls and to transmit its power for hundreds of miles to work the machinery in a hundred different localities.

Was he a northern European or a western European, or a native-born American, or was there a drop of native blood in his veins? No. His father was a Greek, his mother was a Hungarian. He was born in Hungary. He came here, an immigrant.

Who was it that made it possible to speak by wireless, to communicate by wireless? Who is the father of the new method of radio activity? Marconi, an Italian, not a Nordic. He belongs to the Alpine or the Mediterranean race, as they now try to classify them. What would we do now with our ships without the Marconi system? What would we do in a hundred different directions but for that system?

There is another man who died a few days ago, the wizard of electricity. He was born in the province of Posen, in eastern Europe, now partly attached to Poland. It is said that Jewish blood ran in his veins. Whether that be so or not, he would have been excluded. But what has he not wrought with his marvelous knowledge of mathematics as applied to the electrical science? The whole world stood aghast a short time ago when he manufactured lightning. It was an illustration of the tremendous power of his brain. And he was a hunchback at that. I spoke this to one of the important public officers of this Government a few days ago and he said, "I must confess that since that time I have been rather tender in my consideration for hunchbacks."

I wish he would be more tender in his consideration toward the American people, toward civilization, toward humanity. The name of the marvelous man who died but a short time ago was Charles P. Steinmetz.

Who was the fourth man? The average man here believes, I suppose, that what they call the dregs of Europe come from the Balkan States. Until the war, nobody knew anything about the Balkan States except that they had a great many wars over there. But there is one man of whom we ought to know a little more than we do, and that is Prof. Michael Pupin, of Columbia University. He was a shepherd on the plains of Serbia until he was 15 years of age. He was born in that land. His mother and his father were illiterates. That is not a strange thing, because our Secretary of Labor says that his mother and his father are illiterates. And they are not even Nordics, as far as I understand, because they came from Wales and the Nordic blood does not flow in Wales, does not flow in Ireland, and neither does it flow in Scotland.

Professor Pupin arrived here with 5 cents in his pocket and a red fez upon his head. What has he accomplished? He is now one of the masters of that science of electricity. I wish that everyone here would read his recent book, his autobiography, "From Immigrant to Inventor." It is one of the most inspiring books I have

ever read. I would like to make it a part of my argument here. It will tell the story much better than I could tell it.

But let me tell you what a great authority has said about this Serb lad who came here and who worked on a farm, worked in a cracker factory, worked as a shipping clerk, worked at night in the Cooper Institute, and finally reached the heights that he now occupies, not only in American science but in the science of the world.

The best writer on popular science in this country to-day is Dr. Edwin E. Slosson. A few days ago he wrote a review in the Literary Review Supplement of the Evening Post on this book "From Immigrant to Inventor," under the title, "The saints of science." He tells the story of this boy when he came to this country. He says:

Nowadays we are more particular, and Pupin would not have been allowed to enter with so little in his pocket, no matter how much he had in his head. Also, not being a Nordic and the Serb quota being restricted to 1,285 a month, he probably would have been excluded, because he arrived on the 26th day of March instead of on the 1st. But if he had been deported, either because of lack of cash or lateness of arrival, the United States would have been much the loser on a mere mercenary basis, for one of his many inventions, the weighting of telephone wires with inductance coils at intervals of five miles, to facilitate the transmission of speech has already enriched the public by more than \$100,000,000.

He would have been kept out because he would not come within this quota provision. And that is but one of his inventions. He is looked to as an authority by all of the great industries of the country. I hope that an opportunity will be given him to appear before this Committee and to tell you what he thinks about a policy of this kind. He happens to be a man who is grateful for the privilege of breathing the free air of America and his gratitude seeks expression, not in trying to exclude later comers so that he may appropriate to himself those privileges and those rights, but in giving to every right-thinking man and woman the same opportunity that was vouchsafed to him, to grow up under our institutions.

I could go into details by taking community after community, race and nationality after race and nationality, and prove to you that every one of them brings great gifts to this Nation. Every one is capable of helping us in our onward progress. Every one of them, given the opportunities that our country gives to every willing worker, is able either by brain or by brawn to stimulate the growth of America; and, in his heart, he has a love for America.

Some of these people are not articulate. They can not express themselves as they would. They are sometimes exploited, but, taking them all in all, as one born in this country, I say that they average up, no matter from which land they come, as well as any part of our population. They are accustomed to obedience. They are accustomed to being law-abiding, and they bring with them moral principles and traditions of a high character.

My mother came to this country in 1853; my father in 1849. My mother was not able to speak English well, but she felt the spirit of America as few people have ever felt it. She taught me to pray daily for the preservation and the development and the growth of this country, and I tell you that there are hundreds of thousands of immigrant mothers coming from these eastern and southern European lands who have instilled that same spirit in their children.

And now it is proposed to tell these people, who fought and bled for this country, who have worked for it in the field and in the work-

shop, in summer and in winter, "You are an inferior race. You are not the equal of the people who came from northern and western Europe. We consider you as the dregs of humanity."

I am afraid there is a tendency toward a superiority complex as well as to an inferiority complex. Why should you tell me, who am not a Nordic, that I am not your equal, or that Doctor Wisé, who was born in Hungary, is not your equal, or that men who come from other parts of eastern and southern Europe and who have made themselves citizens of the United States, are not the equal of their fellow citizens in the United States?

What does that lead to? Study the psychology of a man placed in that situation. What am I to think if I am told by an act of a legislature or by an act of Congress that I am not regarded as the equal of those who, with me, are practicing our profession in the city of New York? What can be thought by a man who was born in Russia, and flees to this country to escape tyranny, whether it be Czaristic or Communistic tyranny, when he comes to these United States and is told that in this land of freedom there is a difference in its laws as between him and his neighbor, who happens to come from Germany?

What is to be said of the ideas that permeate the soul of an Italian if he is told that he is inferior to a Scandinavian, or of the Spaniard, who is told that although this country was discovered by a Spaniard or an Italian—they are now debating as to which it was—that nevertheless he is not wanted here irrespective of his intellectual powers, his physical powers, his genius, his knowledge of art?

Sorolla, the great artist, would have been excluded. The great singers in our opera houses would be excluded.

All New York rose as one man the other evening to do honor to an Italian, Scotti, who had sung in the Metropolitan Opera House for 25 years. That is not a small matter, if you consider what he has contributed to the aesthetic sense of the American people. It means something exalted.

I can tell you, proud as I am of this country, that there are certain directions in which we can still profit through our immigrants from southern and eastern Europe. They will bring to us and are bringing to us the artistic sense which we have lacked and which ought to be supplied.

You declare in this law, "Two per cent on the basis of the census of 1890." When I speak of this act, the first date that comes to my mind is 1790, because I wonder why you did not make the basis 1790 instead of 1890. Why not 1880? Why not 1860 or 1850? Oh, no; there is a reason. The reason is just what I have stated it to be. Those who have agitated for this kind of legislation wish to keep out of this country certain races. The people of the United States might as well understand that, and I have no doubt that those who favor that idea will have the manhood and the courage to say, "This bill means, in so many words, we do not want any more Italians or any more people who come from other lands in southern Europe, or any people who come from eastern Europe; no more Poles, no more Russians, no more Lithuanians, no more people from Pinsk or from eastern Prussia or from any of those lands. And we have now devised a formula whereby the number of east and south Europeans who can be admitted will be so small as to be negligible."

Now, just tell that to the people and see what they will think about it, because those who came from those countries are not all aliens. A very large number of them are citizens of the United States. Just tell them that the Congress of the United States considers them unfit to mingle with. They will form their own judgment. They will watch the scales in order to learn who has been weighed and who has been found wanting.

I wish now to merely file a caveat with regard to other provisions of this act, which I probably will not be able to discuss thoroughly, because I have taken up so much time, and I do not wish to be classified with those who do not consider the rights of others. I am not going to discriminate.

But let me hastily mention a few points, as to which I will file a brief. In the first section, as to immigration certificates, you have a provision that a man must state what his military record was in the country from which he came. I thought that militarism was dead. I do not know what significance there is in this question of the military record for people who came from Germany or Russia or Italy or any other country.

Then you speak of the viséing of the passports by a consular officer before the person is permitted to enter the United States. If you adopt this policy of immigration certificates, why should there be a continuance of this system of viséing passports which means a great loss of time, expense, and annoyance? If the applicant appears before the consular officer and gets his certificate, is it necessary to follow that up with a passport from the country from which he comes and have him subjected to the vicissitudes which attend one who applies to an official of some of those countries? There have been known to be serious difficulties.

Then there is another provision to the effect that when the immigrant arrives and the certificate is presented he has to place his thumb print on the certificate. I think that is an indignity. I do not find, Mr. Chairman, any reference in this bill to the registration idea. I may be wrong, but I suppose that that will be made the subject of an independent measure and will not be included in this bill.

The CHAIRMAN. The committee, I believe, in the previous Congress thought that any proposals looking to registration of those in the United States was a matter to be treated in connection with naturalization rather than immigration.

Mr. MARSHALL. I think that would be the logical heading. Then, we will assume, Mr. Chairman, that that question is not now under consideration, but that whenever it shall be, we shall have an opportunity to address ourselves to that measure.

The CHAIRMAN. Except this, that the certificate on which the immigrant comes is expected to have a paper which gives some information and thus is the beginning of a system of registration for future arrivals.

Mr. MARSHALL. But so far as that is concerned, Mr. Chairman, at the present time there is a similar provision with respect to the ships' manifests and every man who arrives is listed on the ships' manifests.

The CHAIRMAN. Yes; but it is very hard to find that.

Mr. MARSHALL. But the specific question of registration in the sense in which it is employed is not a part of this bill. So far as that is concerned, Mr. Chairman, we shall have the privilege to discuss that question when it is to be considered.



**The CHAIRMAN.** Certainly.

**Mr. MARSHALL.** Now you have a provision in section 4 of nonquota immigrants which relates to an immigrant who continuously for at least four years preceding the time of his application for admission has been a minister of a religious denomination or a professor in college.

We doubt the wisdom of limiting the right to come into this country to those who have for four years been carrying on that vocation, because what we want in this country, if possible, are young men, not men who are superannuated, not men who have reached the zenith of their growth, as much as those who will grow up with the country as young men. And if a man has become ordained as a minister of religion in any country, I do not care what country it is, who has acquired education, one who is a genuinely educated man, the kind you desire to bring into this country, why should he be required for four years to practice his profession in another country in order to gain admission to this country? I suggest that as a subject that merits serious consideration.

Now, there is another provision in section 8. I do not wish to say that this committee does not possess a sense of humor, because it does, and there must have been some humorist who had a part in the drafting of this measure which deals with the issuance of certificates to relatives, and which provides that a relative must make a sworn petition in which he shall state certain facts. I have no fault to find with most of the facts as to which information is desired, but when we come to that subdivision of section 8, which requires a statement of the amount of the petitioner's net income as shown in his last income tax return under the act of Congress there is an element of grim humor. Why should a petitioner, a father or a relative, who asks for a certificate of immigration for one to whom he is related, and who has already stated that he is able and willing to support the immigrant, if necessary to prevent the immigrant from becoming a public charge, also be required to show the amount of his net income? That in itself would not be so bad, but to be compelled to state his net income as shown in his last income tax return under the act of the Congress of the United States, why, that would exclude almost everybody. I do not believe most Members of Congress have a much larger amount of income than they can readily use to meet their daily requirements. Why then, impose such a test upon this class of petitioners.

**Mr. VAILE.** That is correct.

**Mr. MARSHALL.** I assumed as much from complaints I have heard. I have even heard of judges of the Supreme Court of New York who resigned because \$17,500 salary was not enough. With that provision in the section you might as well say, "We cancel the whole eighth section; it means nothing at all."

**The CHAIRMAN.** But the failure to have that income does not act as a bar.

**Mr. MARSHALL.** I know; but it is a requirement. He must show that. That means that he must show that he paid that income tax and must show what was his income under the last income-tax return, and if he made no income-tax return, then he does not comply with the condition of this section. You do not intend to do that, I am sure. I think you had better strike that out altogether, because it is useless in the light of what precedes it, which requires on the

part of the petitioner ability to support the immigrant if necessary to prevent him becoming a public charge.

The CHAIRMAN. We think your words are intended to be humorous, but it will be easy to insert the words "if any."

Mr. MARSHALL. Then the humor has become even greater.

Now, here is another provision covering permission to reenter the United States after a temporary absence. The law is liberal in giving those permits, and that brings me to this thought: When you speak of 357,000 immigrants you always forget one important item of book-keeping. You charge immigration with 357,000, but you never credit it with those who return to the land from which they come. I have figures here to show how large the number of returning immigrants is. And what is the effect of this condition, and who are these people who go abroad? They are people who live, we will say, in some western European land. They come to the United States and perform useful labor; after they have been here for six months they conclude to spend the winter in their native lands, and so they procure these certificates. They can get them here after a year, and yet when they return they are charged as immigrants, but when they go out no notice is taken of them.

The CHAIRMAN. That is when they come the first time.

Mr. MARSHALL. When they come the second time you charge them as immigrants.

Mr. VAILE. Oh, no.

Mr. MARSHALL. That is the way I read it.

Mr. VAILE. Those returning from a temporary visit abroad are not charged as immigrants.

The CHAIRMAN. That whole provision is designed to allow a person to go out temporarily, a noncitizen.

Mr. MARSHALL. If your bill is so drafted that those who return shall not be charged a second time as immigrants, then you have made a great improvement and you have acted in the interest of justice.

Mr. VAILE. Notice section (b) at the bottom of page 4. That may not cover it as extensively as it ought to be covered, but it is in that direction at least.

Mr. MARSHALL. "From a temporary visit abroad of not more than one year." That might help somewhat, but I think it really belongs in section 9, where you are talking about these permits to reenter the United States. Or, you might put in "except as provided" "subject to the provision contained in section 4, subdivision b," so that you leave those two sections tied to one another. That, of course, is very desirable.

Now, coming to section 10, subdivision b. Under the present law you permit 20 per cent as a monthly quota. Now you have changed it to 10 per cent, as a monthly quota. That means that all the immigrants must enter in 10 months and that not more than 10 per cent shall come in any one month.

The CHAIRMAN. No; that means that certificates shall not be issued beyond 10 per cent per month.

Mr. MARSHALL. Does not that necessarily limit the number who can come here in any one month to 10 per cent of any one quota? Because if they shall not issue certificates for more than 10 per cent per month, that limits them to 10 per cent of immigrants in any month.

Mr. VAILE. No, because they can use that certificate at any time within a year.

Mr. MARSHALL. If that is the idea, I think the phraseology ought to be changed, because the natural interpretation, especially read in connection with the present law, is that this is limited to 10 per cent of admissible immigrants of any nationality within any month. Of course, the working of that would be very disastrous, because many people would have to come in in the cold months of the year when they would be unable to get employment. The present provision was desirable because it enabled people to come here in the months of the year when they could get employment and when they would not have to suffer those hardships. If you will permit me to make a suggestion as to phraseology that will carry out what you have in mind, I will be very glad to do it, because, as I said before, I am not here to criticize, but I am here to try to help you to construct an act which will be useful.

Mr. VINCENT. Do you think that after this certificate is issued it is beneficial to permit any period of time within which they could come?

Mr. MARSHALL. Yes; because sometimes they have to wait for months after the certificate is issued before they can get a ship.

Mr. VAILE. That is the intent, of course, of this bill.

Mr. MARSHALL. I have not any doubt that that is your intention, and the only thing that I am trying to avoid is an interpretation which is a literal interpretation and which might create a great deal of trouble.

Now, I have no other suggestions to make, and I really feel called upon in the presence of these gentlemen who are here to apologize for so protracting my discussion.

The CHAIRMAN. I would like to make one statement to clear up a little bit of your first argument. The bill, H. R. 101, Mr. Marshall, provides for 2 per cent on the 1890 census basis, and it also provides—which was not mentioned by yourself in your statement and which is not mentioned by newspapers generally in their reports of discussions of this bill—that an additional 2 per cent shall come on the same quota basis limited to certain relatives of those now here; so that, as a matter of fact, the bill as now written is a 4 per cent bill, with half of it especially with regard to the close relatives of those now here. In addition to that 4 per cent as the bill now stands, there is a provision for the admission of the wives and children of American citizens, which provision is not in the present quota law.

Mr. VAILE. Without limit as to quota as to them.

Mr. MARSHALL. I understand that. As far as the last clause “wives and children of American citizens” is concerned, while the purpose of that is admirable and I welcome it as a very good provision, I am afraid that in operation it will not amount to anything, because in order to be a citizen it will have been necessary for the person in question to have been in this country for five years, and there are very few instances where immigrants have been in this country long enough to have become citizens who still have wives and children abroad.

The CHAIRMAN. On the contrary, we hear daily of those. We hear of men who have been here for 15 years, and are now asking to bring their wives.

Mr. MARSHALL. Well, I have not much sympathy for those cases. The CHAIRMAN. I am with you on that.

Mr. SABATH. Mr. Marshall, there are some cases of people who have been here for 8, 9, or 10 years, people who came 2 or 3 years before the war.

Mr. MARSHALL. Oh, before the war; yes.

Mr. SABATH. And were precluded by the war from bringing their families over here on account of the conditions existing during and since the war.

Mr. MARSHALL. I say I welcome the provision, but I do not believe the total number would be very large. The other provision, of course, is more important, but even there I doubt whether the number would be large, especially when you make your calculation on the 1890 census basis. That is where the trouble comes in. If you take it on that basis, why then you still have your quota guide, and instead of it being a straight 2 per cent quota, it would be 2 per cent plus such fraction as 2 per cent of that particular class would amount to which, of course, would not be, considering all those who desire to come here, a very large percentage. But the difficulty that I find is in the fact that you are putting it on the 1890 census basis. That is—and I am using the word merely in the rhetorical sense—that is the vice of the law in so far as the quota feature is concerned.

The CHAIRMAN. Mr. Vaile, have you any questions?

Mr. VAILE. I have one or two suggestions. Mr. Marshall's argument is so strong that I hate to see it marred by inaccuracy, although I do not quite agree with his argument. In the first place, I think you have misquoted Mr. Madison Grant.

Mr. MARSHALL. I have read his book quite religiously.

Mr. VAILE. Let me call your attention to something. You saw fit to scoff at him a little because you are assuming he regards the Nordic race as a superior race. He entitles his book, "The Passing of the Great Race," and you suggest that he can not be a great scientist or he would not suggest that the fittest would pass away. On page 82 of his book he says:

The "survival of the fittest" means the survival of the type best adapted to existing conditions of environment, as in colonial times they were the clearing of forests, by the Indians, farming the fields, and sailing the Seven Seas. From the point of view of race it were better described as the "survival of the unfit."

I think a moment's reflection would lead you to the conclusion that when he said the survival of the fittest that he meant that a reptile would survive in a swamp better than a mammal would.

Mr. MARSHALL. But it means the average of all; it does not mean any exceptional condition. But the question is what is the number of reptiles in the United States at the present time compared to what there were in 1790.

Mr. VAILE. I am not referring to any human beings of any sort as reptiles.

Mr. MARSHALL. Oh, excuse me.

Mr. VAILE. Now, you suggested that certain inventors would have been barred from admission to the United States under this law. Did you mean to leave the impression with this committee that Steinmetz and Marconi were residents of the United States?

Mr. MARSHALL. Yes; Marconi lived here for quite a number of years.

Mr. VAILE. But Steinmetz?

Mr. MARSHALL. He died here very recently and lived in Schenectady, N. Y., and ran for State Engineer of New York.

Mr. VAILE. Well, right on that, those two came here at least after they had acquired their distinction in sciences, did they not?

Mr. MARSHALL. Not at all. Marconi was a very young man when he came here, and had his spurs to win. Steinmetz was a student and worked at the bench in one of the electrical factories, and that is where he grew, and grew to the great dimensions that he occupied in the scientific world.

Mr. VAILE. I was misinformed as to those two men.

Mr. VINCENT. He got it through the help of another immigrant, did he not?

Mr. MARSHALL. Yes; they were going to reject him on account of his health.

Mr. VAILE. You suggested that the taking of thumbprints was an indignity?

Mr. MARSHALL. Yes.

Mr. VAILE. I do not think Americans regard the taking of thumbprints as an indignity. I had to have mine taken in the Army, and Major LaGuardia, who is standing beside you at the end of the table, had to have his fingerprints taken, and we did not consider it an indignity.

Mr. MARSHALL. In the Army, of course, but we are not under military laws. If we are going to have military law, all right, but we do not expect to live under military law. All of our legislation during the war was exceptional.

Mr. VAILE. Well, is it an indignity to require a man to furnish a convenient and certain form of identification. That is done in all foreign countries.

Mr. MARSHALL. It was done in Russia and it was done in Prussia, when they were at their worst, then everyone who went from one village to another village, not only immigrants but natives, had to be registered, and were compelled to carry a record of their lives, and when they reached a new town they would have to go to the police authorities and be registered and have their record viséed and stamped, and when they left the town they would have to go through the same ceremony. In other words, they were put in the same position as a prostitute in Paris or in Vienna. They had to have a book in which a variety of statistical information was inscribed. That is regarded by people who have lived in those countries as an indignity.

Mr. VAILE. It might be convenient for a person to be identified, although not as a criminal or prostitute.

Mr. MARSHALL. If it were the policy of this country to take the thumb print of every baby when the baby is born and have that system applicable to all people without regard to race or creed or nationality, and without regard to whether they are immigrants or not, you might argue as you do, but when you are singling out a single part of the population, the immigrants, and are subjecting them to hateful supervision and control, often by people who are inimical to them and who regard them as objectionable because possible competitors, then you reach another point.

Mr. VAILE. Well, right on that point about the babies. We require birth certificates now in thirty-six States of the Union and desire it should be extended to all of them.

Mr. MARSHALL. Yes; but you do not have the baby go back to the office of the bureau of vital statistics three or four times a year.

Mr. VAILE. We do not suggest that in the bill; we suggest merely a definite form of identification.

Mr. MARSHALL. I regard that thumb print as merely an entering wedge for the accomplishment of what is in the minds of some of the immigration restrictionists in regard to registration.

Mr. VAILE. You might as well say that the registration of a child's birth is an entering wedge for weekly registration of that child all through its life.

Mr. MARSHALL. The situation is entirely different, and we know what the difference is in practical operation. You take an immigrant from a foreign land who has not as yet learned the language and comes into a community and is required there to register again and again, then if you have had the experience that I have had with some of the autocrats in small offices, you will know what he will encounter. I see that Congressman La Guardia smiles, because he knows what it means.

The CHAIRMAN. Judge Sabath, have you any questions?

Mr. SABATH. No; I do not think I have.

The CHAIRMAN. Mr. White, have you any questions?

Mr. WHITE. Just a short interrogation. The witness discussed the four-year limitation under subdivision D, on page 5, the admission under nonquota divisions of ministers of religious denominations.

Mr. MARSHALL. Yes.

Mr. WHITE. Would the gentleman suggest a shorter term?

Mr. MARSHALL. I should say a shorter term. I do not think there is any necessity for limiting it by years at all. I should have that read like this, Congressman White—

Mr. WHITE. That brings out your idea, and I wanted to ask you if there would be more danger or any danger that even without the piety that is supposed to be attached to those positions, there might be a great flood of immigration admitted by reason of the fact that a man might be a minister of the gospel for a week. And might he not be a minister of the Gospel for the purpose of securing a visé? I am only suggesting that.

Mr. MARSHALL. I see your idea. But he must have carried on the vocation of a minister, and I suppose he must necessarily have documents authenticated by the proper authorities to the effect that he was a minister of a religious denomination.

Mr. WHITE. I have thought of that, but I did not know what the qualifications of the religious organizations were.

Mr. MARSHALL. It might be either the public authorities or the religious authorities of the particular faith. If it was, for instance, a minister of the Episcopalian faith, a bishop, of the diocese would be the proper person to make a certificate, and if it were a minister of any other church that has a bishop it would be the same dignitary. Or it might be the moderators of a synod or assembly of that particular district, or it might be the chief rabbi of a district who might make the certificate. I might say that any safeguard which could be thrown around such a provision which would prevent fraud meets with our hearty approval. We do not want any imitation ministers in this country, or any fraudulent ministers, and we do not want any people who have preached once or twice considered to be ministers.

They must have been duly ordained in due course. That is what I have in mind.

The CHAIRMAN. Judge Raker.

Mr. RAKER. Mr. Marshall, you have given this matter considerable thought and study.

Mr. MARSHALL. I have tried to.

Mr. RAKER. And I have seen your smiling face before the committee many times and before the President on immigration legislation. Is it your view that if the census was fixed at 1910 that it would be constitutional?

Mr. MARSHALL. Whether it would be constitutional to mention the census of 1910?

Mr. RAKER. Yes, sir.

Mr. MARSHALL. As far as that is concerned, if you said that there shall be no immigration at all, that would be constitutional.

Mr. RAKER. But I would like to get your direct judgment on the question, having fixed it, if it was fixed at 1910, would that be constitutional?

Mr. MARSHALL. Why, certainly. I think anything Congress might fix on that subject, in view of the fact that the entire subject is within its jurisdiction, would be constitutional. I am not now discussing the right and the wrong of it.

Mr. RAKER. I know, but I wanted your legal judgment upon the question as to using any census as a basis on which to fix the quota.

Mr. MARSHALL. As I argued at great length two years ago, and I take this opportunity of asking the committee to refer to the remarks which are to be found in the printed hearings of the committee for that year, commencing on page 210 and going on ad infinitum, you will find that I am utterly opposed to the policy of restriction except according to the principles which were in the law—I mean prior to the quota provision.

Mr. RAKER. But what I am trying to secure is your best judgment as to the legal question upon the right of Congress to take any census upon which it should fix its basis for the quota.

Mr. MARSHALL. I would say that they have the right as a matter of strict constitutional law.

Mr. RAKER. That is what I am asking.

Mr. MARSHALL. To adopt any census which they may decide to adopt, if they accept that principle.

Mr. RAKER. Well, supposing they should take the census for 1920 and use those that were naturalized as the basis.

Mr. MARSHALL. I think it would be within their power, but I think that it would be one of the most extraordinary pieces of legislation that would ever have been put on the statute book.

Mr. RAKER. But I am asking you solely and entirely for the legal effect and not for the policy.

Mr. MARSHALL. Judge Raker, I think when I have gone so far as to admit that the Congress of the United States can exclude all immigrants altogether, the greater includes the less. Therefore, you can adopt anything within those limits as the basis of regulation, but there still remains to be considered the question as to the right and wrong of the policy adopted.

Mr. RAKER. Then it would be a question as to the policy of the Government of the United States as to which course it would pursue?

Mr. MARSHALL. Yes.

Mr. RAKER. And which census they would take for their starting point?

Mr. MARSHALL. If they took the quota principle at all, which I do not admit is the proper principle—but they have the constitutional right to do so. If you ask me as to their power, I answer that they could certainly exercise that power. If they are to adopt the quota principle, I see no reason why it should not be the last available census, namely, the census of 1920.

Mr. RAKER. If neither one of these were taken, which you claim is not a right principle, what is the right principle in your view?

Mr. MARSHALL. What I said at the outset, namely, no quota provision at all, but a continuation of the policy of excluding only those who are mentally, morally and physically unfit, who are enemies of organized government, and who are apt to become public charges. You already have the provision as to the reading and writing test, which is not, according to my viewpoint, based upon any sound basis, but you have got it, and we are not now asking you to do away with it or to change the law. We are here, while objecting to the quota principle, perfectly willing to maintain the status quo.

Mr. RAKER. In other words, your position is that if they meet up with the present provisions of the immigration law, they should be admitted?

Mr. MARSHALL. Yes; that is my idea.

Mr. RAKER. And there is to be no restraint as to numbers from any locality?

Mr. MARSHALL. Yes. I object to any restraint by numbers as being absolutely unjust and without any proper basis in economics, morals, right, or justice.

Mr. RAKER. We have in the law the exclusion of those who believe in the lawful destruction of property, also those who believe in communism.

Mr. MARSHALL. I am as strongly opposed to their admission as anyone could be.

Mr. SABATH. Are you in favor of all the restrictions that are now in the 1917 act?

Mr. MARSHALL. I am. I do not favor the reading and writing test, but that is there, and I am not here to fight against it.

Mr. RAKER. Mr. Marshall, I simply asked you this for the purpose of asking about another class. I realize those restrictions are there and I will not take but a few moments of your time.

Mr. MARSHALL. Yes.

Mr. RAKER. Would you be in favor of excluding those who believe in, and who practice, and who teach communism as it is now understood?

Mr. MARSHALL. Personally I have no use for them.

Mr. RAKER. Well, would not you exclude them?

Mr. MARSHALL. Well, that brings up a question of definition, and who is to decide what is communism? Let me make this statement—

Mr. RAKER. Let me make my question a little more definite.

Mr. MARSHALL. Yes.



Mr. RAKER. I meant communism as understood and practiced under the Third International, their doctrines.

Mr. MARSHALL. I am opposed to the admission of anybody who preaches doctrines which are advocated by the Third International. I am opposed to any persons who seek to introduce into the United States sovietism, but I wish you to understand, however, this subject which I have carefully considered and which is borne out by an editorial which I read the other day in one of the leading New York newspapers. that, as a matter of fact, in all the United States the number of communists is—I was going to say pitifully small, but I will change that word—is gratifyingly small. The total number does not exceed 20,000 in the whole United States, according to that article.

Mr. RAKER. Irrespective of the number, it is a question of principle I am trying to get.

Mr. MARSHALL. I have given you my statement as to the principle. I am ready to subscribe to anything which will prevent communism or sovietism from taking root in this country.

Mr. RAKER. Is it not your judgment that those who practice and believe in and who advocate communism as understood and practiced under the Third International should not be admitted to the United States?

Mr. MARSHALL. I would not raise my voice for one quarter of a second in opposition to that provided there is an adequate definition of communism, and that is a clause which would have to be very carefully worded, because there have been times in this country when anybody who disagreed with his neighbor was considered a communist or an anarchist or some other "ist" and was put into Coventry. I think one of the evils of this kind of legislation is to stimulate hatred between different parts of our community and to put a label on a man which in ninety-nine cases out of one hundred is a false label. We had secret complaints during the war about some of the finest people in this country that made their lives miserable simply because some enemy wanted to persecute them.

Mr. RAKER. Mr. Marshall, you are going to file a brief?

Mr. MARSHALL. Yes, sir.

Mr. RAKER. Will you include in that brief how you would word the language relative to the exclusion of those who believe in communism, and particularly as relates to communists that believe in the proposition that there should be no right to private property?

Mr. MARSHALL. I will give that very serious thought, Judge Raker.

Mr. RAKER. I would be much pleased if you would. Thank you.

Mr. MARSHALL. I am much obliged to the committee for the patience that they have shown me, and I wish to apologize to the other gentlemen present for trespassing on their time.

The CHAIRMAN. We are very glad you were able to be here, Mr. Marshall.

Mr. MARSHALL. I desire to submit a document which I think is very interesting. It is the report of the committee on commerce and marine of the American Bankers' Association adopted September 24, 1923, on the subject of immigration. May that be filed and made a part of my remarks?

The CHAIRMAN. The manuscript may be filed and placed in the record.

(The report is as follows:)

SEPTEMBER 24, 1923.

COMMISSION ON COMMERCE AND MARINE,  
American Bankers Association,  
Hotel Traymore, Atlantic City, N. J.

GENTLEMEN: Your committee begs herewith to submit its report on the immigration question in the United States. The entire report as it appears here occupies less space than should the paragraph devoted to conclusions in a report which would do full justice to the statistical and other phases of the problem. It is evident that the subject may be handled either in extenso, or, after careful study and thorough digest of its many aspects, in a shorter exposition of its salient features. Of these alternatives the following is our attempt at the latter method.

For several years preceding the World War there were more or less constant, but ineffective, attempts to curtail immigration to the United States. The war acted as an almost complete check to immigration, nevertheless, following the armistice, the country was faced by what was probably the most serious unemployment situation in the history of the Republic. It was estimated that 5,000,000 people were out of work and it was feared that this condition would be greatly aggravated by the influx of millions of the needy from battle-worn Europe who would come to our shores seeking food, shelter and employment. To cope with this threatening exigency Congress passed—as an emergency measure—the Dillingham law, for the restriction of immigration. In spite of its makeshift character, this law has remained upon the statute books and in operation to this day.

#### EFFECTS IN INDUSTRY.

Since the passage of the Dillingham law the economic aspect of the country has changed tremendously. Government surveys and the reports of many industries show, in place of the unemployment that then existed, there is to-day an unsatisfied demand for all classes of skilled labor, unskilled labor and farm help and that this condition is general throughout the country. (There is a short supply of domestic servants that is difficult to tally.) It is unnecessary to point out to a body composed of business men and economists, the interrelation of adequate labor supply, steady production, moderate prices, and national prosperity. Adequate labor supply is indeed the pedestal of this structure and derangement in that phase of our national life communicates itself in a vicious circle to the whole train. The arrogant demand of professional labor agitators are only made possible by labor shortage. Its results—increased wages and corresponding increased cost of living are not to be overcome so long as the labor shortage continues. The native-born American, educated to seek a higher standard of living, naturally gravitates to the "white-collar" professions, leaving the country dependent upon foreign labor to wield the pick and shovel.

What the future will bring to us is well described by Frederick C. Howe, for a number of years commissioner of immigration at port of New York, in an article written some time ago:

"Let us project our minds 10 years into the future, a 10 years in which there has been no immigration, in which many immigrants who stand well up in the economic scale have gone back home, a 10 years which, added to the 8 years since the outbreak of the war closed our gates to immigration, makes 18 years in the age of a man. By 1932 many of those now working in the iron and steel mills, in the mines and on the railroads, in the building of roads and the work on the farm will have grown old. They can no longer do hard, manual work. In the factories girls whose parents were of foreign birth have married or been worn out. The shop girl has not been recruited from the better-to-do immigrants. There will certainly be a loss of 3,000,000 workers, and possibly millions more. Where are they to come from? During these years the oncoming generation will be crowding into the more spectacular professions. They will be rising in the social scale. There will be a great increase in the number of nonproducers; a growing unrest among those who have been educated at the public schools and in the colleges."

## EFFECTS IN AGRICULTURE.

During the past decade there has been an increased migration of foreign-born citizens to the farms. In the east especially where the tendency among native Americans has been to desert the farms for the cities this movement of the immigrant has been the one saving factor in the situation.

On the other hand, however, the shortage of labor in industry which causes the manufacturer to bid against the farmer, results in a steady migration of farm hands to industrial centers. The situation is probably the most critical one to confront the country to-day, for as our basic need is prosperity on the farm, the country can ill-afford a shortage of farm labor which will tend to still further reduce the farmers' scanty margin of profit. The Department of Agriculture recently estimated the supply of farm labor at less than 84 per cent of the demand and this figure, in spite of labor-saving agricultural devices, continues to decrease. The country must remedy this condition at any cost.

The basic industries of this country are to-day dependent upon immigrant labor. A pre-war investigation of the United States Immigration Commission revealed that the proportion of foreign born people in some of our important industries was as follows:

	Per cent.
Sugar refining.....	85
Silk dyeing.....	75
Clothing.....	72
Cotton goods manufacturing.....	69
Oil refining.....	67
Leather manufacturing.....	67
Copper mining and smelting.....	65
Bituminous coal mining.....	62
Woolen and worsted goods manufacturing.....	62
Slaughtering and meat packing.....	61
Agricultural implements and vehicles.....	60
Iron and steel manufacturing.....	58

These industries became prominent during the greatest period of immigration—1890 to 1910. In that same span of years the prosperity of the country increased materially. The production of coal trebled, railroad ton-miles trebled, bank clearings trebled, and the production of steel increased sixfold. Immigrants helped build up our industries and made others which they brought with them the foremost in the world.

Laborers in some industries are receiving higher wages to-day than at any other time in our history, with the possible exception of the inflated war period. In the building trades masons are getting from \$18 to \$20 a day, plasterers about \$25 per day and in some instances even more, and ordinary, unskilled labor is dissatisfied with a dollar an hour. Textile mills have increased wages about 124 per cent and the iron and steel industries have allowed increases almost as large.

## OPERATION OF THE ACT.

Advocates of the Dillingham law point to the fact that, while immigration to a moderate extent may be necessary, "undesirable" immigration must be restricted and they claim that the Dillingham law operates successfully in this regard.

In the first full year that the law was in operation, there were but 87,121 aliens admitted in excess of aliens deported, as compared with 555,000 in the previous year 1921, and almost 800,000 in 1914, the last comparable pre-war year. On the face, this would seem to justify some of the claims made by those who favor the Dillingham law, but the classification tables tell another story. We exported 67,000 laborers more than we imported, there being an excess of emigrants over immigrants in that classification.

Immigrant Poles.....	6,357
Emigrant Poles.....	31,104
Immigrant Italians.....	44,154
Emigrant Italians.....	54,010
Immigrant Greeks.....	8,821
Emigrant Greeks.....	7,629

Conditions similar to those quoted existed in the case of many other nationalities. The quota arrangement will remain an unsuccessful expedient so long as the emigrant peoples of a nationality are not added to the immigrant quota from that nationality each year. As for the selectivity of the Dillingham law, it is only necessary to refer to the ridiculous fact that the vessel with the fastest turbines racing into quarantine ahead of its competitors, as the new quota opens, is the controlling factor that to-day decides whether John Doe the immigrant becomes an American citizen, or by the reason of the fact that he is hooked on a slower vessel becomes a deportee. The Dillingham law is also responsible for the deplorable practice of the separation of families, and other inhumanities, inconsistent with our national ideals and too numerous to mention, which even the officers who are compelled to enforce them and who might be expected to become inured to the suffering they see, condemn in the strongest language.

#### THE IMMIGRANT.

Opposition to immigration is largely the offspring of xenophobia and unwise propaganda against the foreign-born. All but an insignificant minority of our immigrants prove to be a peace-loving, law-abiding, thrifty class, and 75 per cent of our population has descended from them during the last century. In the absence of reliable statistics it is to be doubted whether the occasional vicious individual is any more frequent among them than among our oldest native stock. Immigration has come to this country because of the same two great motives that impelled the founders of the Republic—economic betterment and religious freedom—and in spite of instances of exploitation, they have already reached a plane, where 10½ per cent of them own their homes compared to 5½ per cent of native-born citizens, and where they own approximately 70 per cent of all the postal savings in the country.

#### CONCLUSION.

In the best interests of humanity at large, and of the United States in particular, the immigration policy of the country and the evils that have arisen from it call for early correction. All quotas for all European countries, if the quota theory is maintained, should be substantially increased, and agricultural labor and those who intend to settle upon the land should be admitted regardless of whether or not any particular quota has been filled. No more visas should be given by any American consular officer than a prorated monthly allowance, as to which he should be advised by the Department of Labor, and which should check the evil of wholesale deportations. The number of emigrants should be added to the immigrant quotas in order to avoid an actual deficit on balance. Finally a Government commission should be appointed, or coordinate bureaus of the Departments of the Interior and Agriculture should be deputed, if not with the responsibility of soliciting agricultural immigration, at least with the purpose of directing the immigrant and his family to the land and putting at his disposal the appropriate governmental agricultural services to that end.

Immigration has been perhaps the greatest source of potential revenue to this country for many years past, and there is no reason why, under wise direction, it should not so continue.

Respectfully submitted.

COMMITTEE ON IMMIGRATION.  
F. O. WATTS, *Chairman*.  
J. W. SPANGLER.  
LEWIS L. STRAUSS.

The CHAIRMAN. Mr. Holaday.

Mr. HOLADAY. There are one or two questions I want to ask.

Mr. MARSHALL. do you believe it is possible to frame an immigration act that will be for the best interests of those who wish to emigrate to this country and at the same time would not be for the best interests of the United States?

Mr. MARSHALL. No, sir. That is, if they are people who come within the classes that I have stated, if they comply with those

conditions, I think that every single one of them is an asset to the United States and will pay his way tenfold.

Mr. HOLADAY. You think there can not be any distinction drawn then between what is best for our Government and what is best for those who wish to come here?

Mr. MARSHALL. I do not think there is any distinction between them. I think they are convertible terms, reading into my statement these classes which are now covered by the present 1917 act.

Mr. WILSON. You base your statement upon the bill H. R. 101 introduced by the chairman of the committee?

Mr. MARSHALL. Yes; that is the one I have read.

Mr. WILSON. You have addressed yourself to that?

Mr. MARSHALL. Entirely.

Mr. WILSON. You are aware, of course, of the propaganda and general feeling in this country and the discussion of the system of selective immigration?

Mr. MARSHALL. I think we have got the selective system now.

Mr. WILSON. All right.

Mr. MARSHALL. Under the present law. The 1917 law is a selective system. We weed out the people whom we do not want here on the various grounds I have several times repeated, and the remainder are the people who are selected as eligible and proper persons to come to this country.

Mr. WILSON. Your position is that the act of 1917, then, constitutes a selective immigration?

Mr. MARSHALL. A highly selective immigration policy.

Mr. WILSON. That has not stopped the propaganda for selection.

Mr. MARSHALL. No; that will never stop.

Mr. WILSON. Do you understand, then, when the Secretary of Labor appeals in his statement and in his speeches before the country for a system of selective immigration, the selection to be made abroad, that he would already have that?

Mr. MARSHALL. He would already have that under better conditions than he would have if he created little czars all over Europe to determine who should and who should not come into this country.

Mr. WILSON. The chairman in the bill H. R. 101 evidently tried to go as far as he felt he could go under the law in providing that the consular agents could, in so far as they might be given power to, make the system more selective. Do you approve of those provisions of the law?

Mr. MARSHALL. Those provisions are only administrative provisions. I do not consider that they would give him any right to say that A, B, or C was not a proper person to come here. That would have to be determined on American soil. We can not allow the creation of a satrapy in Poland or Rumania where a minor official might determine the fate of a poor family before him by saying arbitrarily, "I do not consider you fit to come into this country." He is merely to determine in accordance with the information he gets from the Department of Labor or the Department of State the number which is still admissible into this country. Then he has got to keep himself within the limits of the information which he receives from here, and which is merely a question of bookkeeping control.

Mr. WILSON. Do you favor this?

Mr. MARSHALL. I do. I think those provisions are admirable with the few changes that I have suggested. I think the theory is a good theory because it prevents the horrible suffering of people who have sold their household goods, traveled over the ocean for thousands and thousands of miles, with friends in this country to whom they can go, and who when they arrive find they have come a few minutes too early or a few minutes too late and are sent back.

The CHAIRMAN. Pardon me. You are of the opinion that if we should require the immigrant to go through the questionnaire process, and examination, and answering questions and then for a fee we give him a quota certificate or permit to travel, that we ourselves have laid a foundation which will lead him to believe that he is entitled to entry?

Mr. MARSHALL. Entitled to entry into this country with a certificate that shows it is subject to the conditions of the statute with regard to so and so and so. In other words, he has got to stand his examination here by the immigration inspectors at Ellis Island, or whatever port it may be by which he enters.

The CHAIRMAN. Pardon me.

Mr. WILSON. Then your position is that when the present percentage act expires there should be no new legislation? As I understand it, we would then come back under the act of 1917 if we pass no act at all.

Mr. MARSHALL. Yes. Why I am objecting to this act at this time so strenuously is that this is the determination of a permanent policy in this country. It is not a temporary act. The present act expires by limitation on the 30th of June, 1924. I am not here to say that it is the intention or the opinion of the committee that that act should continue as it now reads, with no new limitations, but let us test it out, try it out. As a matter of fact, this whole thing has not been conducted scientifically. It has all been by rule of thumb. That is where I also object to the thumb print. This is what I mean to say, that there has been no thorough investigation of this subject, there has been no commission which has dealt with the matter. In 1909 there was a very thorough investigation of the subject during the Presidency of Theodore Roosevelt, and a commission of the House and of the Senate with various experts added made a thorough investigation.

The CHAIRMAN. That was 1907?

Mr. MARSHALL. 1907.

Mr. BOX. 1907, and it reported in 1910.

Mr. MARSHALL. Yes. That is 17 years ago.

The CHAIRMAN. Ten years of which were spent in getting legislation in an attempt to fit the recommendations.

Mr. MARSHALL. And you finally got it.

The CHAIRMAN. Yes.

Mr. MARSHALL. Now, according to my notion the logical way to proceed with this subject is to get your facts, find out what the situation is, have a commission appointed and let that commission make its findings and give us the facts, and then we can talk by the book.

Mr. WILSON. Mr. Marshall, I suppose I can say, without praising the committee, that if I have ever been acquainted with a body of

men who have spent long, tedious time in trying to find out the facts it has been this Committee on Immigration.

Now in regard to the admission of undesirables. Under the present law we get complaints, more from the city of New York probably than from any other place, of the admission of a large percentage of those who should be excluded under the act as mental defectives and criminally inclined. I have forgotten the amount of money that it is said it is costing the State of New York now to care for them.

MR. MARSHALL. That is a very much exaggerated statement, I can tell you.

MR. WILSON. Well, they issue statements that are claimed to contain the figures.

MR. MARSHALL. But they do not. A noted scientist recently said that the \$50,000,000 of bonds that the State of New York was to issue for public buildings was all to be expended for insane asylums. I happen to have been consulted by the governor in regard to the constitutional features, and I can tell you that a very small part of that amount is to be expended for insane asylums, and the balance is to be spent for schools, hospitals, and the like—all kinds of State institutions.

MR. WILSON. Just one more question. Have you been able to make an estimate of the volume of immigration that would come to this country if we were to follow your suggestion of abandoning the percentage plan and assuming our former position under the act of 1917?

MR. MARSHALL. I can not give you any figures on the subject. I do not know where to get them.

MR. WILSON. Is it your opinion from your knowledge and investigation, which has been very extensive, that it would be greater than the pre-war volume?

MR. MARSHALL. No; it would not be anything like it. There would be physical difficulties, there would be economic difficulties. The cost of transportation would be in itself a preventive in a large percentage of cases of those who might otherwise desire to come, and then there is also the lack of initiative. Because I want to say this, that a person who disposes of everything that he has in order to leave for a new country has the pioneer spirit just as much as the people who came here 100 years ago had the pioneer spirit. He has a strong heart and a will to get along and to labor and accomplish something.

MR. WILSON. But you realize this is not the same pioneer country that it was 100 years ago.

MR. MARSHALL. In many respects it is just as much a pioneer country as it was years ago. In many respects. We have room in this country for ten times the population we have, and as far as the farms are concerned it is rapidly coming to be a pioneer country, because we have not enough laborers to work on the farms. Let us get labor on the farms, good strong men.

MR. WILSON. But we are still producing a surplus of agricultural products, are we not?

MR. MARSHALL. Not of all agricultural products.

MR. WILSON. Can you name any single staple agricultural product of which we are not still producing a surplus?

**Mr. MARSHALL.** I understand there has not been a sufficient rotation of crops and that much of the difficulty of the farmer has been due to that fact. Farming is not one of my specialties, but I have tried to keep informed in regard to agricultural conditions because I recognize their importance to the well being of the land. There is one branch with which I am somewhat familiar and that is forestry, and I can tell you that we need all the people we can bring into this country to help reforest the United States, in the opinion of the board of directors of the New York State College of Forestry who have given that subject considerable study.

**Mr. WILSON.** This committee is talking of a condition which most of those people who have been to Europe and have investigated conditions in Europe and made reports thereon state to exist, that the volume of immigration would be limited only by the capacity of transportation.

**Mr. MARSHALL.** I do not take much stock in the reports of people who go to Europe and then come back and know it all any more than I take stock in the opinions of Mr. Israel Zangwill, for whom I have the highest esteem, as to conditions in the United States after he has only been here for an hour.

**Mr. WILSON.** Assuming the committee is going on the plan of the bill H. R. 101, do you favor the provision in there that makes preference for certain relatives?

**Mr. MARSHALL.** I do, decidedly.

**Mr. WILSON.** That is all.

**Mr. BOX.** Mr. Marshall, I want to direct your attention especially to what I denominated the selective features of this bill and to get your view as to the actual operation of them. First, if it is generally announced and generally understood that this is a plan to select this immigrant abroad and that a certificate is given the immigrant, he brings it over here, will he not in view of that general discussion, in view of that denomination of the legislation, ordinarily expect to be admitted on that certificate?

**Mr. MARSHALL.** Not if he is informed by the very face of the certificate that he must still pass an examination at Ellis Island, and there is no difficulty about printing that in red ink or in any other colored ink in the language that person is able to read. If he comes from Italy it could be printed in Italian, or if he comes from Greece it could be printed in Greek, or if he comes from Poland, it could be printed in Polish and Yiddish.

**Mr. BOX.** You would not pretend to examine him in a medical way?

**Mr. MARSHALL.** On the other side?

**Mr. BOX.** Yes.

**Mr. MARSHALL.** No; I would not.

**Mr. BOX.** You would not do anything but keep a count so as to come under the quota?

**Mr. MARSHALL.** A control of the quota.

**Mr. BOX.** If you made any pretense of making any physical examination or applying any physical test over there, or went one step in that direction, would not that have the effect of leading him to believe that he would be admitted when he got here?

**Mr. MARSHALL.** Decidedly, that would.



**Mr. Box.** Can you imagine any substantial reason for giving him "the once over," as we call it sometimes, and then giving him a certificate and bringing him over here and subjecting him to a second examination and rejecting him?

**Mr. MARSHALL.** There would be no reason for it at all. I think it would be misleading in its operation, but he should be made to understand—

**Mr. Box.** If you confine your selection to the count, that is as far as you could go and deal fairly with the immigrant, is it not?

**Mr. MARSHALL.** Precisely.

**Mr. Box.** Now suppose you went any further and gave him a certificate which prima facie showed that he could come into the United States, all tests being considered, would you be able to enforce, in your judgment—it is a hurried question and I do not know whether you would care to answer it—would you be able to enforce penalties against the steamship companies for bringing inadmissible immigrants after you had given them a certificate showing prima facie that they were entitled to admission into the United States?

**Mr. MARSHALL.** Yes; you could.

**Mr. Box.** I am not talking about the count.

**Mr. MARSHALL.** Outside of that?

**Mr. Box.** Yes.

**Mr. MARSHALL.** Then you create a new element which, of course, would be a very serious one, because the steamship companies might say that the consul in Copenhagen has made this certificate after giving them the "once over," and has practically delivered prima facie judgment, and that they should not be called upon to exercise greater care than he exercised in that regard?

**Mr. Box.** If he acted on appearances and on good faith.

**Mr. MARSHALL.** They could do the same.

**Mr. Box.** You could hardly punish him for that, either.

**Mr. MARSHALL.** That is it precisely.

**Mr. Box.** You think it ought to be understood among the people of the United States and prospective immigrants and our officers everywhere that this act, supposing it goes only so far as you suggest as to the count, does not select immigrants abroad, but it only counts them and that they will not be admitted except in case of their full compliance with all the other tests that we apply?

**Mr. MARSHALL.** That would be highly desirable and it would be a proper thing to do. It would avoid any of the horrible misunderstandings that have occurred, it would be in keeping with the practice of this country ever since we have had any immigration-control legislation. That is what has been done always. A man comes over and he knows that he will have to pass through the examination at Ellis Island, and if he and everybody else is told that, there can be no chance of misunderstanding.

**Mr. Box.** One thing more. Would that avoid the division of families? Suppose that you counted them and knew that you were not giving certificates to more than were entitled to admission under the quota provisions of the law, but suppose that a part of the family was admissible under the physical tests and a part were not, would such a law as that avoid the division of families?

Mr. MARSHALL. It would not avoid it, no, because if there were six in the family and one happened to be a defective, that defective would be rejected and the others would be admitted, and the family would have to decide whether they would enter without that defective or go back where they came from.

Mr. BOX. And you think that ought to be frankly avowed in the legislation?

Mr. MARSHALL. Undoubtedly.

Mr. BOX. That is all.

Mr. MARSHALL. They must have the option, however, of having those who are free from defects enter on condition that the other is sent back, and so far as that is concerned, ordinarily some one member of the family goes back with that person if they have no body else to accompany him.

Mr. BOX. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. WATKINS. I wanted to ask a question, Mr. Marshall, please, sir.

Mr. MARSHALL. All right.

Mr. WATKINS. As I gather the trend of your testimony, you would say we are proceeding here without sufficient facts to enable us to proceed properly; that is, that we had better proceed cautiously. Would you not say that?

Mr. MARSHALL. I do say that.

Mr. WATKINS. You recognize that throughout the United States there is quite a clamor on the part of some for suspension, some for restriction, and some for leaving the law as it is, and you believe that many of those are actuated by the highest motives as they see them?

Mr. MARSHALL. I do not question their motives; that is, I do not question the honesty of their motives; but they may be very greatly misled.

Mr. WATKINS. In view of the conflicting situation and of the fact, as you view it, that we are proceeding here in a haphazard manner and without being in possession of the facts, would it not be a good thing to treat them all alike, until we get the proper facts, by suspending immigration entirely for a period of a few years?

Mr. MARSHALL. No; that would not be the proper remedy. That would be like the old farmer who had hornets in his barn and set fire to the barn in order to get rid of the hornets. That is not the proper remedy. In other words, because there is a difficulty and you do not understand the facts sufficiently to enable you to enact the best legislation, you legislate in the most Draconian method and forbid all immigration.

Mr. WATKINS. You would go on with the wrong method rather than stop immigration entirely?

Mr. MARSHALL. I would say that while this investigation is going on you should continue the present status for a limited period.

Mr. WATKINS. Mr. Marshall, do you consider that your testimony here has been just exactly fair?

Mr. MARSHALL. I hope so.

Mr. WATKINS. In that you have selected, you might say, the flower of the flock.

Mr. MARSHALL. No.

Mr. WATKINS. And used it as an example?

Mr. MARSHALL. No; I have not.

Mr. WATKINS. Why not take the undesirable? Could we not condemn all immigration if we took the other end of the line?

Mr. MARSHALL. I do not know what you mean by undesirable. If it were left, we will say, to the American Federation of Labor—and I am speaking with all respect for it—they have an idea that they do not want any more labor in this country, that they want to leave things frozen as they are. They would consider anybody who comes from abroad undesirable. If you had considered Germans four years ago, three years ago, two years ago, before we entered into our treaty of peace with Germany, the great majority of the American people would have said that every German is undesirable. And so it is all a question of what your yardstick is. Who is to determine what is desirable and what is undesirable?

Mr. WATKINS. You have taken the very select, the outstanding figures of the various nationalities, and it seems to me you have tried to use those men as a yardstick.

Mr. MARSHALL. No; I have not. I have merely given illustrations of men who came to this country in the most humble conditions, and I have talked, for instance, of Professor Pupin, who was a goat-herd. He came to this country with only 5 cents in his pocket and, of all things in the world, he wore a red fez on top of his head, which made him the observed of all observers, and the boys on Broadway pitched into him before he had gotten two blocks away from Castle Garden.

The CHAIRMAN. Irish boys, I suppose.

Mr. MARSHALL. Yes; but I will give you the rest of that story as an indication of what kind of sports they were. They would not allow more than one fellow to pitch into him at a time, and after Pupin had knocked that one out they helped Pupin to recover his fez, which had been lost in the scrimmage, and they gave him money for a meal. That shows the sportsmanship of our Irish friends.

Mr. WATKINS. Do you consider it a desirable thing to get the foreign-born in the attitude of acquiring citizenship?

Mr. MARSHALL. I do think it desirable to have them made citizens and let them have the full obligation of citizenship. When I opened my argument two years ago, I said there is a difference between citizenship and immigration. Immigration is the right to enter here even if the man does not become a citizen. I consider citizenship the highest decoration a human being can receive, but he must first earn it.

Mr. WATKINS. Then why would not the census of citizenship be the better guide?

Mr. MARSHALL. But we are mixing up citizenship with immigration again on that basis, and I do not think that is the proper test. A man may be a mighty good miner and may be a very expert workman in a steel furnace, or be able to work behind a plow, or be able to be a good lumberman, even if he does not possess the knowledge of conditions sufficiently to become a first-class American citizen.

Mr. WATKINS. You are thinking more of profits in that matter than you are posterity, are you not?

Mr. MARSHALL. I am not.

Mr. WATKINS. You think a man might be a good lumberjack and not be a good citizen?

Mr. MARSHALL. He might not know enough to become a citizen, but he would be a useful man, he would be an industrious man, he would help build up the country. We need lumberjacks. Some of them are much more useful than some of the professors in colleges. When you talk about communism and all these other isms, I can say that I have heard worse doctrines from men born in this country, some of them Sons of the Revolution, than I have ever heard from those honest and industrious men who come from abroad as immigrants.

Mr. WATKINS. One question as a lawyer, Mr. Marshall. Do you consider the United States to have the legal right—I am not asking your opinion about the advisability of it—but do you consider it has the legal right—as a constitutional lawyer I am asking you this question—the legal right to examine and to investigate and to inquire into the record and the qualities of the prospective immigrant at the source without the consent of and without regard to the foreign nation?

Mr. MARSHALL. In the first place, I do not believe the foreign nation would allow it.

Mr. WATKINS. I am not asking you that.

Mr. MARSHALL. And in the second place, we have to consider our various treaties applicable to many aspects of these questions.

Mr. WATKINS. You say we would not have the right. Just develop that.

Mr. MARSHALL. I say so far as our Government is concerned—I am talking about our Constitution now—we have the right to make any inquiry we desire. The United States could investigate living conditions and every other condition. We could get information in any way we pleased.

Mr. BOX. You mean we would have the right under our own Constitution?

Mr. MARSHALL. Under our own Constitution, but I do not think our Government would want to run up against the policies of the countries in which they are making those investigations, and up to the present time I have understood that many of the foreign governments rebel against the idea of having such an investigation made abroad.

Mr. WATKINS. Then that would require a treaty, you think?

Mr. MARSHALL. It would require a treaty.

The CHAIRMAN. Are there any other questions now?

Mr. MARSHALL. A series of treaties. You would have to have a treaty with every one of the countries.

Mr. BOX. And that could not be done in time for this legislation.

Mr. MARSHALL. Not at all.

The CHAIRMAN. Mr. Marshall, we are very much obliged to you.

Mr. MARSHALL. I once more thank you for your kindness and attention.

Mr. SABATH. Mr. Marshall, you have made a thorough examination as to the selective features and in view of the fact that I hope your remarks will be read by every man who is interested in the subject I wonder whether you would not agree to embody in your

remarks the section 3 of the present immigration act which shows how broad the restriction is—under the act of 1917.

**Mr. MARSHALL.** I thank you for your suggestion. I do hereby make as a part of my argument section 3 of the 1917 law.

**Mr. SABATH.** I ask that for this reason, that I believe there is not 1 per cent of our population that is familiar with the restriction that is provided for in the act of 1917.

**Mr. MARSHALL.** You are entirely right.

**Mr. SABATH.** And I think if the people at large could know they would not demand any special legislation. We might have a little better enforcement at Ellis Island than we have had, but with that attended to I think that is ample protection from any so-called undesirables.

**The CHAIRMAN.** All right. Now, Mr. Dickstein.

**Mr. DICKSTEIN.** I call upon Joshua Kantrowitz of the Independent Order of B'nai B'rith, who will speak for about two minutes.

#### **STATEMENT OF MR. JOSHUA KANTROWITZ OF THE INDEPENDENT ORDER OF B'NAI B'RITH.**

**Mr. KANTROWITZ.** Mr. Chairman and gentlemen. I want to thank you for the courtesy of being permitted to appear before you, but I feel that I should be doing an injustice to my thoughts on this question if I attempted to address you. However, on behalf of the Independent Order of B'nai B'rith, which is national in its ramifications, and which is working in the vineyard for the benefit of humanity, as its representative I wish to say I followed the suggestions of Mr. Marshall and heartily approve of everything he has said on this question.

**Mr. DICKSTEIN.** Just one word. What is the total membership of your order all through the United States?

**Mr. KANTROWITZ.** About 80,000.

**Mr. DICKSTEIN.** That is all.

**Mr. HOLADAY.** May I ask what is this organization that you represent?

**Mr. KANTROWITZ.** It is for the alleviation of humanity, for the assistance of the widow and orphan, for benevolence upon the broadest plane of humanity, and to educate the people and teach them patriotism.

**Mr. HOLADAY.** It is a world-wide organization.

**Mr. KANTROWITZ.** It is a world-wide organization in its beneficence. Its philanthropic activities extend throughout the entire civilized and uncivilized world.

**Mr. HOLADAY.** Let me ask you the same question I asked Mr. Marshall, do you conceive that a law might be framed that would be the best thing for foreign countries and citizens of those foreign countries that wish to come to the United States and would not be the best thing for the United States?

**Mr. KANTROWITZ.** I can not.

**Mr. HOLADAY.** You can not conceive of that distinction?

**Mr. KANTROWITZ.** I can not conceive of that distinction if proper wisdom is used in the framing of that law.

**Mr. HOLADAY.** That means then that you are in favor of an unrestricted immigration policy?

Mr. KANTROWITZ. An immigration policy based upon the conditions and restrictions stated by Mr. Marshall. The immigrants must fulfill all the requirements that are conceded to be necessary. He mentioned education and he said that he would not cavil about that, but they must be healthy. they must be honest, decent, and highly moral.

Mr. HOLADAY. And that applies to all races and colors without any distinction?

Mr. KANTROWITZ. Absolutely so.

Mr. DICKSTEIN. Except Chinese and Japanese?

Mr. KANTROWITZ. Except Chinese and Japanese; the Asiatics or Mongolians.

Mr. HOLADAY. Why do you except them?

Mr. KANTROWITZ. Because the law excepts them now and our law has always put them on a different basis from those representing European civilization. I think our country was the first that brought the Japanese in contact with western civilization, and, therefore, when I hear this talk about the Japanese being an enemy of our country I feel he must be very ungrateful if he feels that way, because we were the first to concede to him a part of that which we call civilization.

Mr. HOLADAY. Then you qualify your statement of a minute ago and say you would except Japanese and Chinese?

Mr. KANTROWITZ. I think I would.

Mr. HOLADAY. If I should say I would go one step further and except nationals of one other country, would you say that I was wrong in that?

Mr. KANTROWITZ. If they are in reality a detriment to the country or would unquestionably prove to be a detriment to the country, I think you would be justified in your view.

Mr. HOLADAY. What is the percentage of citizenship in your organization, have you any idea?

Mr. KANTROWITZ. I believe it is 100 per cent. And I might state that in all our lodge rooms we have the American flag displayed and no other flag.

The CHAIRMAN. What is the membership in the United States?

Mr. KANTROWITZ. I believe it is about 80,000, and of the best citizens in this country. We have orphan asylums, hospitals, homes throughout the United States and also in Europe. We are now helping our former enemy, Germans, who are crying to us for the protection of the children. Our lodges are adopting and supporting children for the next four years to enable them to grow up and earn a livelihood in their own country.

The CHAIRMAN. You would agree that the committee might in considering some races inferior very well consider races from their non-assimilability with people of the United States?

Mr. KANTROWITZ. Surely.

The CHAIRMAN. Rather than treating folks as inferior people?

Mr. KANTROWITZ. Certainly.

The CHAIRMAN. All right.

Mr. KANTROWITZ. I thank you.

Mr. DICKSTEIN. I now beg to present to the committee for its consideration a gentleman from New York, Jacob Fishman, who is the

editor of one of the large Jewish newspapers of over 22 years' standing.

The CHAIRMAN. All right.

**STATEMENT OF MR. JACOB FISHMAN, EDITOR OF THE JEWISH MORNING JOURNAL, OF NEW YORK.**

The CHAIRMAN. Just give your name and your address in New York.

Mr. FISHMAN. Jacob Fishman, 77 Bowery, New York.

Mr. Chairman and gentlemen of the committee, as one who has for a quarter of a century been writing for immigrants, lived amongst them, and knowing what America means to the immigrant and what the immigrant means to America, I desire to draw your attention to what I consider grave elements of injustice in the proposed immigration bills before your honored committee.

The newspaper which I have the honor to be the editor of, the Jewish Morning Journal, has from its inception, 22 years ago, been an ardent and steadfast interpreter of the high principles of American democracy, American tradition, and American institutions to the Jewish immigrant.

This has been a labor of love to us and, indeed, an easy task. We have found the immigrant ready and eager to absorb American principles. Many of them came here with a ready knowledge and appreciation of the fundamental principles of American government.

America, I may truthfully say, was never merely an opportunity to the masses of our immigrants; it meant for them the highest ideal of national life and government by the people.

It may appear paradoxical when I say that the reverence of a great many immigrants for American institutions often transcends that of the native American. Yet it is but natural. The native American takes his liberty and American institutions as a matter of course, while the immigrant, who knows the difference from practical and bitter experience, considers it a high blessing to be enabled to live under the benign American flag.

You will confirm this impression if you will recall how many of your American friends who returned recently from European trips themselves emphasize that they are better Americans for their visiting Europe. They are filled with a new love and enthusiasm for their country. How much more is this true of folk who have lived and suffered for years under despotic rule, and for whom America has always stood like a beacon light. Is there any wonder that their love and enthusiasm for their adopted country knows no bounds and no limitations?

Alas, now the immigrant has fallen upon evil days. Under the pressure of postwar conditions a quota law has been passed limiting the admission of immigrants from any single country to 3 per cent annually of the total number of their nationals according to the census of 1910. This was merely supplementary to a full code of immigration laws which amply provide for the sifting and selecting of desirable immigrants at the ports of entry. There are laws to exclude the physically and mentally defective, also a law keeping out those holding views inimical to organized government, also there is a literacy test which every immigrant must pass before he may be admitted.

It is now proposed to reduce the quota of the immigrants to 2 per cent of their nationals and to base it upon the census of 1890. The question immediately presents itself: Why 1890? This is explained by some upon the theory of a supposed Nordic superiority and prejudice against eastern and southern European immigrants.

At any rate, the effect of this bill will undoubtedly be to cut down the quotas from some countries to a negligible quantity.

I will omit the figures, as Mr. Marshall has dealt with them sufficiently.

This is a plain case of favored nations in immigration, and it is proposed to be done by indirection, something like the "grandfather clauses" in some of the Southern States. That the slighted nations will not fail to take notice of this discrimination, is evident by the protest which the Italian Government has already sent to Washington.

Besides, this bill would also discriminate between Americans themselves. No doubt, among those who have settled here since 1890, there are many that have since become American citizens. I dare say you will find among them a great number of useful and leading citizens, men and women who have contributed materially and spiritually to American progress. You will doubtless find among them many important public men, professionals in high standing, teachers, yea, even legislators. And these new Americans are not to be counted for the purpose of determining the quota of their nationals. I submit, gentlemen, where is the justice in this provision? Is this in line with American fair play?

An injustice almost as great is committed when the doors are closed for the large number of people from eastern Europe whose sufferings as members of minority nationalities are of a political and not infrequently also of a religious nature. My own brethren, who are so often persecuted and are in a minority everywhere, are, of course, nearest to my heart. In order to point out to you the injustice that is threatened to them, let us, for the sake of argument, take Jews as a racial group and see how the proposed quota will affect them. There are in the United States, according to the American Jewish Yearbook, 3,300,000 Jews. Even at 2 per cent quota they would be entitled to about 65,000 immigrants annually. However, under the quota proposed according to the census of 1890, only 8,000 may be admitted at most. But they will not be the only sufferers. The Italians would suffer a similar fate.

Then look at conditions in Europe under the new frontiers. The Ruthenian in eastern Galicia, the Hungarian in the new Rumania, the German in Latvia, and the Greek in Anatolia may be told that his troubles, are of a national character. But it is really the Greek Catholic in the one case, the Roman Catholic in the second, the Protestant in the third, and the Christian in the last whose suffering is made more poignant by the consciousness that their oppressor belongs to another faith. Those victims of the maladjustment in the Old World are, as all sufferers for political and religious ideals, excellent material for good citizenship, and it would be a loss to the United States not to admit them.

To those who would discriminate against Jewish immigrants from Poland, I would recommend to familiarize themselves with the



life of Haim Salomon, the Polish Jew who during the Revolutionary War not only gave his entire fortune to the cause of the revolution, but also helped to finance the war, facts which are acknowledged by President James Madison and others of that period. Even to this late day the descendants of Haim Salomon have not been reimbursed, despite a number of bills in Congress to that effect. It is perhaps right that they were not reimbursed, for Salomon gave his fortune without any expectation of reimbursement.

I will omit all reference to the registration act, as I take it upon the good faith of the chairman that this will not be involved in the present proceeding. However, I wish to add one point about this bill which I believe Mr. Marshall has overlooked. Among the requirements in that certificate there is one mentioned on page 2, No. 6, his dossier, prison record, if any, military record, if any. Mr. Marshall has dealt with the military part. "And complete copies of all records concerning him required by the Government to which he owes allegiance."

Now, that is a piece of espionage, and it can not be carried out because some governments have laws prohibiting emigration, just as the Government of Russia now has, except under extraordinary circumstances, and they would not permit anyone to emigrate. Therefore, how can you expect these governments to give to a prospective emigrant all the records concerning him? Then, what does it mean? It is so vague. What records do you mean by that? That is practically an impossibility.

The CHAIRMAN. It means the records which the governments require to be kept in regard to their nationals, if they keep such records.

Mr. FISHMAN. That is a matter in the volition of the government. Suppose the government refuses to give those records. Will not emigrants' certificates be held up on account of that?

The CHAIRMAN. If the government refuses to give the records, they will probably cease to beg that their nationals be permitted to emigrate to this country.

Mr. FISHMAN. You must know there are many political and religious refugees who can not possibly ask for permission from their country. Take one of our greatest patriots, Carl Schurz, about whom you will all agree as to his being a useful citizen. Could he have gotten records from the German Government about himself when he emigrated from Germany? Never.

In conclusion, I want to say, gentlemen, that the foreign-born citizen, as well as the immigrant who is knocking at our gate, looks to Congress for fair play and for strict impartiality in the treatment of this problem as well as of all other problems which come up for your solution, and it will be a happy day when we shall be able to announce that we have not been disappointed in our hopes and expectations.

Mr. HOLADAY. On what do you base your statement that it is an injustice to bar a man from coming to America?

Mr. FISHMAN. I did not make it as broad as that. In fact, there is no direct reference to those words in my speech at all.

Mr. HOLADAY. You refer to the Jewish race?

Mr. FISHMAN. I refer to the injustice of the proposed quota.

Mr. HOLADAY. You make the statement there that it is an injustice to refuse admittance to the United States to those men.

Mr. FISHMAN. To what men?

Mr. HOLADAY. You are referring to the Jews, I take it.

Mr. FISHMAN. I made no such reference. I want to make it clear, that what I said was that I believe that with the code of laws now in force and with the present quota we get the best available material for America in the immigrants that come over here, and I believe that it is an injustice to bar such immigrants as can meet these tests.

Mr. HOLADAY. Now, why is it an injustice?

Mr. FISHMAN. That is a matter of opinion. In my opinion it is an injustice.

Mr. HOLADAY. I am asking your opinion.

Mr. FISHMAN. You do not want me to give you a philosophical dissertation about it. I say America is a land of immigrants. Your forefathers were immigrants. Immigrants have built up our State, and therefore, I believe it would be morally wrong for the United States to bar immigrants of a certain race or from a certain country.

Mr. HOLADAY. Do you say that because you believe there is a better opportunity for the intending immigrant in America than in the country from which he comes?

Mr. FISHMAN. I just stated the reverse of what you say. I said it was not merely an opportunity.

Mr. HOLADAY. Do you say then that we should have no restrictions whatever outside of the physical qualifications and moral and mental qualifications?

Mr. FISHMAN. If you say no restrictions outside of those, I believe they cover quite a multitude of restrictions.

Mr. HOLADAY. You are in favor of those restrictions?

Mr. FISHMAN. I am in favor of those restrictions. I believe those restrictions were well thought out. They are reasonable. A man physically defective should not be admitted.

Mr. HOLADAY. Do you favor any restrictions beyond those?

Mr. FISHMAN. Beyond that I believe that the war conditions have brought about this quota, and as we are not yet clear about the entire subject and matters involving further legislation, I believe that the best thing under the circumstances would be to at least continue the present quota.

Mr. HOLADAY. Do you believe it would be better to repeal the present quota and open up the doors entirely?

Mr. FISHMAN. No, sir; I favor continuing the present quota until such time as new regulations will be thought out, as well as the others that are already on the statute books. The quota is practically no restriction, it is merely a lottery, and lotteries I want to call to your attention are forbidden in the United States.

Mr. CABLE. I just want to ask you what is your circulation?

Mr. FISHMAN. Eighty-five thousand.

Mr. CABLE. And in what language is your paper printed?

Mr. FISHMAN. In Yiddish.

Mr. CABLE. Any English language in there at all?

Mr. FISHMAN. No, sir; most of our readers we have ascertained simultaneously read an English paper.

Mr. CABLE. At the same time?

Mr. FISHMAN. Yes, sir. We give them information that they do not find in American papers.

Mr. CABLE. About European conditions, you mean?

Mr. FISHMAN. About European conditions, also clearing up to them certain American questions in a way that is not done by the American papers, because they take matters too much for granted. It is practically an educational force.

Mr. CABLE. You made the statement this bill was for two per cent of 1890 census. Did you not understand when you made this statement that it was four per cent instead of two?

Mr. FISHMAN. There is some doubt about that. Until I came here this morning, I was entirely unaware of it.

Mr. CABLE. Have you seen the bill?

Mr. FISHMAN. Assuming this bill provides four per cent it still decimates quotas from certain countries, and it certainly discriminates.

The CHAIRMAN. Let me see if I can state the case. Several witnesses have said that in view of the prospective two per cent legislation they would like to see the three per cent act continue with certain amendments to make it more workable. What would you think of a plan, in order to show that the committee does not really desire to discriminate as between peoples, that would drop all provisions of quotas as to relatives and provide something like this, that after having used a quota based on a certain year, if the quota under that calculation fell below a certain figure, say 15,000, the immigrants from that country should be counted as units, that is, man, wife, and family of a certain degree should be counted as one, because the cry from the newcomers is that they can not bring their relatives, and the oldcomers do not want to bring their relatives?

Mr. FISHMAN. That is too involved for me; I concede that.

Mr. WATKINS. You feel that the present law is best suited to the conditions until we know more accurately what we ought to do?

Mr. FISHMAN. Until we legislate on better grounds. Perhaps this quota law was an urgency measure, but I believe that the immigration laws are amended from time to time and there must be some sound reason for such amendments.

Mr. WATKINS. But you would be in favor of leaving it as it is? You feel that it has worked pretty well so far?

Mr. FISHMAN. It has not worked pretty well, but as a choice between evils we would choose this evil.

Mr. WATKINS. How did you stand when this legislation was proposed as now on the statute books? Were you in favor of that or against it?

Mr. FISHMAN. Pardon me.

Mr. WATKINS. What stand did you take on the present statute?

Mr. FISHMAN. We never opposed it; we never opposed any reasonable restrictions.

Mr. WATKINS. You mean you personally did not?

Mr. FISHMAN. Our paper and I personally did not oppose those restrictions. We did not oppose the barring of the insane; we did not oppose the barring of—

Mr. VINCENT. I do not think you are talking on the same question. He is talking of the 1917 act.

Mr. WATKINS. I am talking about what attitude you and your paper took on the census of 1910, or were you silent on it?

Mr. FISHMAN. We were not silent. If my memory serves me well, I believe we did not see the necessity of it.

Mr. WATKINS. You opposed it?

Mr. FISHMAN. We did not oppose it. I would not use that word. We did not see the necessity of it, but, at any rate, we did not feel about it the way we feel now about this further reduction.

Mr. WATKINS. This is more drastic.

Mr. FISHMAN. But had we opposed it it would show that our position was right, because this was only a wedge.

Mr. CABLE. How is your present circulation as compared with your circulation of 5 or 10 years ago?

Mr. FISHMAN. It can not be measured, because it sold for 1 cent then. It is fluctuating—about 3,000, but in the past year or two it has gone up.

Mr. CABLE. You have been managing editor for 20 years?

Mr. FISHMAN. I have been managing editor of this paper for seven years.

Mr. CABLE. Seven years ago, what was the circulation when you took charge as managing editor?

Mr. FISHMAN. When I took charge as managing editor it was 95,000, but it sold then at 1 cent, while now it is 85,000 at 3 cents.

Mr. WATKINS. I believe you said that practically all your readers read the English papers?

Mr. FISHMAN. Yes.

Mr. WATKINS. Why do you not print yours in English?

Mr. FISHMAN. Some day we may. I explained to the other gentleman who asked this question that the English papers do not stress the educational part. We find that a man who can just read simple English needs articles in Yiddish familiarizing him with American institutions and that is the need we are trying to fill.

Mr. DICKSTEIN. Is that circulation confined to New York City or does it extend all through the country?

Mr. FISHMAN. I would say about 80 per cent of it is in New York City and 20 per cent is scattered over the country.

Mr. RAKER. Taking section 3 of the act of 1917 and adding to it the further disqualifying provisions in the subsequent acts of 1918 and 1921, would you be in favor of putting another qualification in providing that no one should be admitted unless he could read and write and had an education equal to a grammar school education of the eighth grade?

Mr. FISHMAN. That is an impossibility. It is impossible to determine it. I do not conceive of any such test being written in a law. I can conceive of the literacy test which describes something very plainly and says a man must be able to read and write, but as to the degrees of education I do not conceive of any such test in a law.

Mr. RAKER. We have not any law requiring that they write now, have we?

Mr. FISHMAN. They have to read and translate.

Mr. RAKER. We have not any law now that would exclude a man who can not write have we?

Mr. FISHMAN. We have not.

Mr. RAKER. Would you be in favor of a provision that he should be able to write?

Mr. FISHMAN. No; I would not.

Mr. RAKER. You would be against that?

Mr. FISHMAN. Yes.

Mr. RAKER. Have you seen the letter sent by the Russian Government to the Workers Party that met on the 30th and 31st of last month and the first day of this year relative to the foreign language papers?

Mr. FISHMAN. I do not remember any reference to the foreign-language papers. I believe I have read in the news columns of the papers about some sort of paper purporting to come from Russia but I do not remember whether it had any reference to foreign language papers. I wish you would enlighten me on it.

Mr. RAKER. Would you be in favor of putting further restrictions on immigrants who believe in communism and believe in the doctrine that is opposed to owning private property?

Mr. FISHMAN. I believe in section 3 that is covered.

Mr. RAKER. Would you be in favor of it?

Mr. FISHMAN. Absolutely in favor of it, and I believe any communist entering the gateway of America can now be barred by section 3 of the present law.

Mr. RAKER. What provision of it?

Mr. FISHMAN. The provision where it says no one shall be admitted if he is opposed to an organized form of government.

Mr. RAKER. Then you would be in favor of not admitting those who were members of the Third International, that believed in it and taught its principles, would you?

Mr. FISHMAN. Yes.

Mr. RAKER. What would you do with them?

Mr. FISHMAN. I would debar them.

Mr. RAKER. Then if the law does not exclude them would you be in favor of a law that did exclude them?

Mr. FISHMAN. I am not a lawyer but I am of opinion it is covered by the law. If lawyers will say it is not, why our paper and myself are not opposed to such a new restriction.

Mr. RAKER. Would you be in favor of it?

Mr. FISHMAN. Of course, if I am not opposed to it I would be in favor of it.

Mr. RAKER. Speaking of the Jewish immigrants, under the quota as it now exists under the present law, as well as that contemplated under the bill, 2 per cent fixed by the census of 1890 of Jewish people that are in the other countries within the quota would be permitted to come to the United States, would they not?

Mr. FISHMAN. I take it that is so; I take it for granted that they would.

Mr. RAKER. Why do you make the argument here that we are trying to exclude the Jewish people, when there are any number of those in England?

Mr. FISHMAN. There are not many Jews in England; there are only 300,000 in the entire United Kingdom.

Mr. RAKER. There are no Jewish people in London?

Mr. FISHMAN. There are only 300,000 in the entire United Kingdom.

Mr. RAKER. How many are there in France?

Mr. FISHMAN. In France, about 160,000.

Mr. RAKER. And in Belgium how many?

Mr. FISHMAN. In Belgium there are about 40,000.

Mr. RAKER. And in Holland?

Mr. FISHMAN. And in Holland about 100,000.

Mr. RAKER. There is no inhibition against Jews coming from those places if they want to, is there?

Mr. FISHMAN. Well, they do not feel like coming.

Mr. WHITE. I would like to ask the witness this question: Do you believe that the removal of the quota limitation or, in other words, any limitation except those that are written in the law, would result in a very large increase in immigration?

Mr. FISHMAN. Well, I have been abroad in the past four or five years and, contrary to the people who bring different reports, I have found out, I have discovered, I believe, that there would not be any such influx as is being predicted by many people, for this reason—

Mr. WHITE. Would you care to say what effect it might have; would you care to say to the committee what would be the probable increase in immigration?

Mr. FISHMAN. I believe that the reason for this so-called flocking, the reason why the immigrants flock here now in greater numbers is because they are afraid of this—just because they are afraid of this prohibition and also because they are afraid of the other proposed provisions.

Mr. WHITE. That is an opinion?

Mr. FISHMAN. That is my opinion, yes. If immigration was normal, I do not believe it would exceed the present number under the quota. As Mr. Marshall has very ably told you, there is an economic question to-day. Marks translated into dollars do not work out very well and it requires trillions of marks to buy a steamship ticket.

Mr. WHITE. In the testimony given by a very credible witness, I think, speaking personally (I can not pronounce his name very well, but he is a publisher or 10 or 12 newspapers) foreign-born, but an intensely American witness, fully as much so as either of the gentlemen appearing to-day, he said to this committee that, upon a very careful investigation covering a period of several months in the countries of Poland, Czecho-Slovakia, Yugoslavia and part of the countries that were formerly a part of eastern Germany, in his candid judgment, through information secured by personal contact and investigation and inquiry, that 99 per cent of those people would come to this country if they were able to come and there was a free opportunity presented. I think I have quoted him in substance, absolutely. Now, if he should be correct, let us assume, or even approximately correct (we might cut it in two), what effect would that have in a little time on the labor of the United States?

Mr. FISHMAN. First, I want to say that it is the privilege of the gentleman, who is an editor, to hold that opinion; but editors differ and I differ so widely with him that I do not desire to answer this hypothetical question.

The CHAIRMAN. First, let me say that he did not say 99 per cent.

Mr. WHITE. Ninety-nine per cent of those countries. He states it as the best of his judgment.

**Mr. WILSON.** In this paper of yours, have you been the following the custom of many of the New York papers in publishing articles in favor of selective immigration in the light of the new plan—has your paper?

**Mr. FISHMAN.** No, sir. We are opposed to this new plan of selective immigration for reasons Mr. Marshall has already given you. Of course, in our opinion, it means the creating of little czars in Europe and duplicating work unnecessarily.

**Mr. WILSON.** The public press in America, as a general proposition, has taken it up as presenting a new and important and desirable situation, and I just wanted to ask you that question as to whether that has been the attitude of your paper.

**Mr. FISHMAN.** Quite right. I do not believe the people would favor this double selection bill if they had known its import, if they were really familiar with the present laws, as Judge Sabath has maintained.

**Mr. SABATH.** And if some of the editors who have been writing these editorials had been better informed as to the present immigration restrictions they would not dwell so strongly upon selective immigration?

**Mr. FISHMAN.** I have not the slightest doubt of that.

**Mr. SABATH.** That was given to them by some one, without their going to the trouble of familiarizing themselves as to the present law?

**Mr. FISHMAN.** Quite right.

**Mr. WILSON.** You base the situation upon the ignorance of the public press?

**Mr. SABATH.** Misinformation.

**Mr. FISHMAN.** Lack of adequate information.

**Mr. RAKER.** Is it your view that the American press and the American people are not familiar to-day with the law which says certain individuals shall not be admitted into the United States, such as those who believe against all forms of government, believe in sabotage, believe in destroying property, or who are prostitutes, procurers, and insane?

**Mr. SABATH.** That is covered in the immigration act already.

**Mr. RAKER.** Do you believe the American people do not understand that is the law now?

**Mr. FISHMAN.** I must say I do not know why you address this question to me. Is it assumed the American press has declared itself in favor of this new plan of selective immigration?

**Mr. MARSHALL.** Which is not so.

**Mr. FISHMAN.** Which is not so, Mr. Marshall says. At the same time, assuming that one or two individuals in some little towns have done so, they certainly were not aware—and it is absolutely not to their discredit if they are not aware, because they deal mostly with domestic questions; they do not concern themselves with foreign questions—of the present law.

**Mr. RAKER.** This is not any question at all of selective immigration under the act of 1917 and its amendment; it simply says men who are diseased, men who have certain views on government, men who believe in destroying other people's property, shall not be admitted. Is not that all it says?

Mr. FISHMAN. I believe so.

Mr. RAKER. It does not even prevent going over and selecting people to come to this country, does it?

Mr. FISHMAN. Of course, you can not call it "selection" in the light of the new theories, but I believe it certainly sifts the immigrants.

(The committee thereupon took a recess until 2 o'clock p. m.)

#### AFTER RECESS.

The committee reconvened pursuant to the taking of the recess, Hon. Albert Johnson (chairman) presiding.

#### STATEMENT OF MR. O. D. KOREFF, PITTSBURGH, PA.

Mr. KOREFF. My name is O. D. Koreff; I am a resident of Pittsburgh, Pa.; a newspaper man by occupation, born in Bohemia, which is now Czecho-Slovakia, and a naturalized American citizen.

The CHAIRMAN. You publish a paper called—

Mr. KOREFF. The National News, official organ of the National Slovak Society. It conducts a permanent English editorial column and has done so for the last eight years.

The CHAIRMAN. Just proceed with your statement.

Mr. KOREFF. Mr. Chairman and members of the committee, it is difficult to add very much to the splendid exposé which Mr. Marshall has made, and I will say it took me somewhat off my feet and made me change my line of attack, if I am permitted to speak of what I want to present as an attack. I represent the Slovak League of America, an organization composed of national, educational, fraternal beneficial, and religious organizations and their newspapers, with headquarters in Pittsburgh.

The CHAIRMAN. What do you call the organization?

Mr. KOREFF. The Slovak League of America.

The CHAIRMAN. And how many members has it?

Mr. KOREFF. The recorded membership is 40,000 members, looking after the interests of about 1,000,000 Slovaks living in the United States.

The CHAIRMAN. You mean Slovaks both naturalized—

Mr. KOREFF. Both naturalized and unnaturalized.

The CHAIRMAN. You say you are an officer?

Mr. KOREFF. I am on the board of directors.

The CHAIRMAN. You are on the board of directors?

Mr. KOREFF. I am on the board of directors by virtue of being a member of the board of trustees of the Association of Slovak Newspaper Men.

The CHAIRMAN. Do these members pay dues?

Mr. KOREFF. They do.

The CHAIRMAN. What do they pay?

Mr. KOREFF. They pay \$1 a year.

The CHAIRMAN. What per cent are American citizens?

Mr. KOREFF. Well, I would say 60 per cent.

The CHAIRMAN. Sixty per cent of the actual dues-paying members are American citizens?



**Mr. KOREFF.** Sixty per cent of the actual dues-paying members are American citizens.

**The CHAIRMAN.** Your influence runs out, through that organization, to about a million persons?

**Mr. KOREFF.** To about a million persons who are reached through various publications, some of which have as high as 40,000 weekly circulation and some of the daily papers running from 11,000 to 16,000 daily circulation.

**The CHAIRMAN.** So your principal point of contact, then, is through the newspaper?

**Mr. KOREFF.** Mostly through the newspaper.

**The CHAIRMAN.** But you also have lodges?

**Mr. KOREFF.** Lodges, lectures, and, during the last two or three years, a campaign in behalf of Americanization, acquainting the members and our people at large with the principles which underlie the American Government.

**The CHAIRMAN.** These lodges which you have, are they of a secret nature?

**Mr. KOREFF.** I do not know in what respect you mean that; that has reference to what?

**The CHAIRMAN.** Do they have a ritual?

**Mr. KOREFF.** No.

**The CHAIRMAN.** Do they have a guard at the door?

**Mr. KOREFF.** Some of the fraternal beneficial organizations have a ritual, have a guard at the door, and their meetings are restricted to membership only.

**The CHAIRMAN.** The membership is restricted to people of Slovak nationality?

**Mr. KOREFF.** Slovak nationality or Slav origin.

**Mr. SABATH.** They are no more secret than the Masonic or World League?

**Mr. KOREFF.** No.

**Mr. SABATH.** Or any of the other so-called world organizations?

**Mr. KOREFF.** No; not any more than any of the others.

**The CHAIRMAN.** I know; but it is limited to a particular class of citizens or near citizens?

**Mr. KOREFF.** It is limited to a class of people which are bound together, in the first place, by the necessity growing out of conditions. People coming to this country without any knowledge of the language, customs, and habits are necessarily attracted to each other and, knowing that they have greatly to rely upon themselves, bind together for the purpose of mutual aid, following the lines of other American organizations along similar principles.

**The CHAIRMAN.** Do you object to the organization of the Ku Klux Klan?

**Mr. KOREFF.** I object to any organization that does not come out in the open. I am a member of the Masonic fraternity and I am very proud of it; but I would positively not desire to be part of it if I had to walk around with my face screened.

**The CHAIRMAN.** The members of your organization are out in the open?

**Mr. KOREFF.** Absolutely.

**The CHAIRMAN.** Proceed with your statement.

**Mr. KOREFF.** The provision of the proposed bill which is now under your consideration limits the admissible quota of immigrants to 2 per cent, and even assuming, as Mr. Cable has taken exception to, that it raises it to 4 per cent, it would not work out equitably for the people who had the misfortune of coming here after 1890. I say "misfortune" because I consider everybody fortunate who has a chance to come to this country and partake of everything that this country has to offer; but not only partake, but also give all that is best in him, because I believe in a square deal, in give and take, and that has been the proposition of the immigrants from the very beginning—they have come here and they took all that they could get and they gave all that they had and, in that respect, the score runs even.

**Mr. CABLE.** I want to ask you right there: You seem to think, because the 1890 census is proposed in the bill, that it discriminates against certain nationalities?

**Mr. KOREFF.** Yes, sir.

**Mr. CABLE.** Now, would not the nationalities who have a smaller quota under the 1910 census have the same complaint if the 1910 census was adopted?

**Mr. KOREFF.** No; they would not.

**Mr. CABLE.** Why not? It means a difference in the nationals from their country, does it not?

**Mr. KOREFF.** Yes; but it works out more equitably. Taking it in figures and taking it group by group, it works out more equitably. And what I am here for is not to ask for any favored position; I am here asking for a square deal to everybody, because that is the fundamental principle upon which this Government has been built and I feel I am not asking anything that is out of the way and which this committee could not reconcile with its conscience.

**Mr. CABLE.** In 1890 certain nationalities have the preference; in 1910 certain other nationalities have the preference. Who is going to be the judge of who is to have the preference?

**Mr. KOREFF.** I would not say it that way.

**Mr. SABBATH.** He is not in favor of a preference.

**Mr. KOREFF.** I am not in favor of a preference.

**The CHAIRMAN.** You favor the 1910 census, then?

**Mr. KOREFF.** No other remedy being at hand, I prefer the census of 1910 as being the lesser evil, because it gives us a more equitable representation.

**The CHAIRMAN.** All right. Now, may I ask this question: Why do you use that expression "lesser evil"?

**Mr. KOREFF.** Here is the whole thing: Since this country has decided upon a restriction in immigration and since this restriction, in a way affects certain groups then, if it affects all of them equally it is a lesser evil than the one that would affect only one part of them.

**The CHAIRMAN.** If it works a hardship, it would not be on American citizens; it would be on those intended immigrants who want to come to this country, would it not?

**Mr. KOREFF.** Yes; but these intended immigrants, in a short span of time, would become American citizens.

**The CHAIRMAN.** Then you are here speaking in behalf of those intended immigrants?

Mr. KOREFF. Yes; to some extent.

Mr. CABLE. And only half of them become American citizens, do they not?

Mr. KOREFF. If only half of them do become American citizens, then this country still is gaining in citizenship and in desirable citizenship, because the people from whom I spring and the people whom I represent are people who believe in private property, build their homes, buy farms, work the land, enter the basic industries at great risk to their lives, enter them even at such great risk that no insurance companies will take them. That is the reason why we have to insure them in fraternal beneficial organizations, because we are taking care of risks that no insurance company would take at any rate.

Mr. CABLE. But you think it would be better to have everybody in the United States citizens than to have part of them citizens?

Mr. KOREFF. Yes, sir.

Mr. SABATH. And you people become citizens as speedily and as quickly as you can?

Mr. KOREFF. Yes.

Mr. CABLE. You have part of them who are not citizens now?

Mr. KOREFF. Yes; but we have to give them a chance to become citizens.

Mr. CABLE. Is that the average of all aliens who become citizens, 50 per cent?

Mr. KOREFF. I do not know; I can not speak for the other groups.

Mr. CABLE. Half of them are citizens?

Mr. KOREFF. I said 60 per cent.

Mr. CABLE. You said 60 per cent of the membership are citizens: you did not say 60 per cent of all the nationals.

Mr. KOREFF. All right, 60 per cent of the membership.

Mr. CABLE. Have the other 40 per cent taken out first papers?

Mr. KOREFF. I am not in a position to state that offhand; but I will say in this connection that we are conducting a persistent campaign and we want them to become American citizens. But, like any other growth, we have to see that these people are ready for it; we can not go out and drag them in and make American citizens out of them as they used to do 25 or 30 years ago when a contractor would come down in the ditch and take the names of Mike, Pat, and Jim and say to them, "You want to become citizens, you want to vote," and then hand the citizenship papers to them so that they could go and vote. I do not think that this is the type of desirable citizens this committee tries to induce into this country. I know I am in accord with you and that you are in accord with me on the proposition, that what we need is intelligent citizens.

Mr. HOLADAY. Let me ask you this question: If any further immigrants of your particular race were refused admittance here for the next five years, what if any hardship would that work on the people of your nationality who are already here?

Mr. KOREFF. I can not say it would work any particular hardship, but I do not see the equity of the proposition.

Mr. HOLADAY. Wait just a minute. It will work no hardship on them; then the benefits that will be derived from this will not come to the people of your nationality already here, but to those who come in during the next five years?

Mr. KOREFF. I am not in a position to say that, but that is not the way I would put the question if I were in your place. I would state it entirely differently; I would say that since this law proposes to exclude so many of the nationals of some countries, at the same time opening the door to people who, in my opinion, have neither a particular claim nor a superior claim for admission to this country—no more than these people have who are to be rejected—it works a hardship on some while it benefits others.

Mr. HOLADAY. What I was getting at was whether you were approaching this question from the standpoint of what is best for the Government of the United States now and during the next 25 or 50 years, or whether you are approaching it solely from the standpoint of what is the best thing for the intended immigrants who are yet in the old countries.

Mr. KOREFF. I am not approaching it from the standpoint of the immigrants alone; I am approaching it from the standpoint of what will be best for this country, because I am an American citizen and I will have to live here and have to face all of the conditions which I am eventually partly responsible for creating. And it is for that reason I am in full accord with whatever the Government does, so long as it is equitable, so long as it is fair in every direction, so long as there is no preferred position for somebody—in other words, so long as a citizen is taken on the face value of his adaptability to become an American.

Mr. CABLE. Do you believe the quota law keeps out many from Europe?

Mr. KOREFF. Well, I think it does. The conditions in Europe were and still are greatly demoralized and it takes people of means to get over here. The poor people can not come over here and we have ways of keeping out the diseased; we have ways of keeping out the feeble-minded; we have laws that keep out the anarchist and the one who does not believe in organized government. And if your committee will see fit and recommend this law in its present form, it will not create the best law that this country should and could have under the circumstances.

Mr. CABLE. This is more humane than the present law, is it not, in that it gives relatives particular preference and prevents the separation of families by counting them abroad? Do you not favor that over the present law?

Mr. KOREFF. I realize this feature of it; but it does not preclude that because there is one effort to humanize the law that another effort should be made to knock out everything else which is meritorious about it.

Mr. CABLE. The fact is your only objection to this law is the change of the quota year?

Mr. KOREFF. The year, because it actually places us at a disadvantage.

Mr. CABLE. And outside of the 1890-year provision, the rest of the bill is better law?

Mr. KOREFF. It is pretty hard for me to suggest any improvements after the able exposé of Mr. Marshall.

Mr. CABLE. We will concede he is an able man.

Mr. KOREFF. I think that makes it unanimous. [Laughter.]

Mr. CABLE. I want to ask you if there is any other point except the quota year in the proposed bill?

Mr. KOREFF. That is all at present of which I can think.

The CHAIRMAN. Now proceed with your statement.

Mr. KOREFF. Now, I have to go back a great distance, because I have been thrown off my track.

Mr. CABLE. This is a great committee for doing that.

The CHAIRMAN. You have taken care of yourself in good shape.

Mr. KOREFF. Thank you, Mr. Chairman. The group I represent, the Slovaks, began their immigration around the closing period of the Civil War, just about the time when the industrial opportunities of this country opened, and they began to move mainly into those States where the basic industries operate—that is, Pennsylvania, Ohio, and Illinois. They later pressed on farther west. But the strongest immigration of Slovaks to this country occurred when in the early nineties the Magyar Government passed certain laws which eliminated the Slovak language from their public schools. It was at that time that the strongest influx of Slovak immigrants occurred in this country.

Now, for the Slovaks, I wish to say that they are considered in any community where they live as law-abiding, peaceful, moral—and when I say “moral” I mean the one factor that is very important in our sociological aspects; they have hardly any illegitimate child-births and they have no records of criminality, and here I can speak with authority, as one who is employed in the Court of Common Pleas in Allegheny County. We have not had in 25 years one single homicide case that could be charged to the Slovaks.

Mr. VINCENT. You mean including the Czechoslovaks?

Mr. KOREFF. I am coming to the Czechoslovak part of it in a short time. I am at present speaking of the Slovaks only, as a distinct national group.

Mr. VINCENT. I understand.

Mr. KOREFF. It is for them that I am asking consideration in the shaping of this bill, because if it should be based upon the quota of 1890 it would not give them a fair showing, no more than it would give the other groups a fair showing that are affected by this proposed change.

Now, coming to the Czechoslovak part of it, I wish to say here that the Slovaks and the Czechs at present are forming a government, known as the Czechoslovak Republic, of which one part formerly belonged to Austria and the other part to Hungary, and since October 28, 1918, exists as an independent government, ratified and recognized by the United States through an exchange of diplomatic representatives.

The Czech immigration in this country is much older; as a matter of fact, it reaches back to the middle of the seventeenth century, when we find that one Augustus Hermann made a survey of Maryland for Lord Baltimore and was given a grant of land which is to the present day known as Bohemia Manor, in the vicinity of Baltimore. I can come a little closer in history by stating that one of the signers of the Declaration of Independence, William Paca, was a Bohemian from Maryland. Bohemian immigration took on its greatest momentum in 1848, when the revolution in Austria drove out political exiles who had to leave the country as

propagandists of the ideas of democracy. Naprstek, Klacel, and others came to this country and they all worked together on the growth and betterment of this country. When I ask consideration for the Slovaks, I am not asking it for them alone; I am asking it for everybody. This is a problem that affects us as human beings and not as national groups; this is a problem which affects us to-day and to-morrow somebody else, and it is hard to tell where it is going to stop.

I do not deny that the Government has a right to state and determine whom it wants here and whom it does not want here; but the place of birth with every human being is merely a matter of accident and it is on that account that we should not let accidents govern any of our policies in the future.

Mr. Box. May I interrupt you?

Mr. KOREFF. Certainly, sir.

Mr. Box. Does this accident affect the character of the man?

Mr. KOREFF. I am not certain whether it does or not.

Mr. Box. It does sometimes, does it not?

Mr. KOREFF. Probably.

Mr. Box. You speak of the inequity. By "inequity" you mean the denial of the rights the people have, do you not?

Mr. KOREFF. Not exactly.

Mr. Box. Well, what did you mean?

Mr. KOREFF. By "inequity" I mean the refusal to one man of a thing that is given to another man.

Mr. Box. Suppose neither of them has any right to it and it is ours to give or to refuse. Then is it inequitable to deny it to the one who has no claim on it and to give it to one that we prefer to give it to? Where is there any inequity in that?

Mr. KOREFF. I would not phrase it that way.

Mr. Box. Where is the inequity in it?

Mr. KOREFF. The inequity is since we are admitting white people to citizenship that we are attempting to draw lines between first and second class citizenship.

Mr. Box. It is showing partiality, you think?

Mr. KOREFF. It would be.

Mr. Box. But I am talking now about injustice and inequity. Has any human being in Europe any vested right in the United States?

Mr. KOREFF. No.

Mr. Box. Then if we do not admit one and we do admit somebody else, we have been generous to one, but have we been unjust to the other?

Mr. KOREFF. Well, I would say that if we admit the one and keep the other out for no apparent reason (and there is no apparent reason, since they as human beings and, as I would say, as values, as entities, are alike), then we are treating the one with preference and the other with injustice.

Mr. Box. As a matter of fact, if you concede that no man in Europe has any vested right of residence and citizenship in the United States—and you do concede that, do you not?

Mr. KOREFF. Yes, I concede that.

Mr. Box. Then I want you to state, just keeping your mind on that point, wherein we do him an injustice if we do not admit him.

**Mr. KOREFF.** The law, in its present shape, admits anyone, barring orientals. If, under the proposed bill, 51,000 Germans are admitted, where formerly only a fraction more were admitted, and if under this same law other groups are almost completely kept out, then we are not applying the rule of equity to all of them.

**Mr. Box.** Yes.

**Mr. KOREFF.** Because, since none of them has any preferred claim and it is in our discretion to do it one way or the other, then the preferential position given to the one is a display of partiality and partiality that is unjust.

**Mr. Box.** It is partiality and you say an injustice. Now suppose there are two needy men at your door, to neither of whom you owe a dollar, and your sympathy or your interests or any motive that may prompt you, causes you to give one of them assistance and lack of attention, lack of understanding, or other circumstances may cause you to fail to give it to the other. Have you been unjust to that man because you have not extended your generosity to him?

**Mr. KOREFF.** Well, by admitting that I have not given him attention when I could have given him attention, and by refusing him assistance when I could have given him assistance, I have certainly not treated him brotherly.

**Mr. Box.** Yes; you have not treated him just exactly like you did the other beneficiary of your generosity. There has been a difference in your treatment, but you do not claim the man to whom you did not give help had a claim on it because you gave to the other, do you?

**Mr. KOREFF.** No; he has no claim except one, and that one claim is the claim to humanity.

**Mr. Box.** Now, is not the fact of the argument (and it is a legitimate argument) you have to make here that no man in Europe, or Asia, or any race has any vested right in America?

**Mr. KOREFF.** I am not claiming that.

**Mr. Box.** But that you have the right to present the worth of the respective races as citizens?

**Mr. KOREFF.** That is my desire and intention.

**Mr. Box.** And that from the standpoint solely of the interests of the United States?

**Mr. KOREFF.** Exactly. It is in the interests of the United States that I am speaking.

**Mr. Box.** So that you do not insist on the ground that we are dealing unjustly?

**Mr. KOREFF.** No; not unjustly.

**Mr. Box.** With the men of Europe?

**Mr. KOREFF.** No; not unjustly in the broad sense of the word. When I spoke of the value of these people whom I represent, I spoke in the first place with a view to the benefit that this country derives from them, and that is true of the industries. These people enter the basic industries and they help to enlarge them. The steel companies out in my district are badly hampered to-day by lack of men—just exactly that type of men whom we are trying to keep out. Our coal mines are hampered, and if our industries are hampered our growth is hampered, and if both our industries and our growth are hampered our prosperity is hampered. And I am not speaking in favor of anything that will be solely of bene-

fit to these people alone; I am thinking of its benefit for the whole American Nation.

Mr. BOX. Did not President Harding, in his message on the coal situation, state specifically that the labor supply was kept two or three hundred thousand above normal requirements, and that is one of the causes of the whole trouble in that industry?

Mr. KOREFF. That may be true, but his statement was made at the time when the industries were disorganized by an oversupply caused by the sudden cessation of the war and by a sudden falling off before we found time to readjust ourselves to our economic basis.

I am asking this committee, in the final shaping of the proposed law, not to leave out of sight that it is fully consistent with American tradition to be square, and by "square" I mean to be square to everybody; I mean the application of that principle on which this Government is founded. I am asking you to consider this above everything else; even above sentiment.

Mr. WATKINS. You stated that you believe it to be the sense of American fair play to treat all groups alike?

Mr. KOREFF. Yes, sir.

Mr. WATKINS. Would you carry that so far as to say that you would let in the Japanese upon the same basis as you would any other nationality?

Mr. KOREFF. That has been settled by the law of 1881.

Mr. WATKINS. I am asking you if you would change it and give them the same right?

Mr. KOREFF. No; I would not.

Mr. WATKINS. Why would you deny them the same right?

Mr. KOREFF. Because they are not assimilable. They are of the yellow race.

Mr. WATKINS. That is the reason?

Mr. KOREFF. Yes; and we are white.

Mr. CABLE. Do your people become permanent residents here?

Mr. KOREFF. Yes; they do.

Mr. CABLE. They bring their wives with them?

Mr. KOREFF. They bring their wives with them; they build their homes and churches.

Mr. CABLE. They settle here?

Mr. KOREFF. They settle here; they become home owners and home builders.

Mr. RAKER. You say there are about a million Slovaks?

Mr. KOREFF. Yes, sir, in this country.

Mr. RAKER. And how many Czecho-Slovaks?

Mr. KOREFF. There are about six million Czechs and three million Slovaks, which together form the political union known as the Czecho-Slovak Republic.

Mr. RAKER. I am speaking of those in the United States.

Mr. KOREFF. Here we have one million of Czechs and one million Slovaks.

Mr. RAKER. That would mean two millions?

Mr. KOREFF. Two millions.

Mr. RAKER. About how many of the million Czechs speak, read, and write the English language?

Mr. KOREFF. Well, I am not in a position to give you any reliable figures. As a matter of fact, I am not in a position to give you any figures on that. Anything I would give you would be a guess.



But I do know that these people, in their daily pursuits, have to know some English in order to keep from getting killed at work and while they probably do not speak as good English as I do or any other immigrants that are advanced, still they know enough English to get along.

Mr. RAKER. What would be your answer as to the Slovaks?

Mr. KOREFF. That affects the Slovaks in the same sense.

Mr. RAKER. About the same?

Mr. KOREFF. The only thing I want to say is that in my experience in court, as official interpreter, I have had very few cases of Czechs and Slovaks. I have not had five Czech cases in five years and I have had about twenty cases of Slovaks, while I have had those of other nationalities in a larger number.

Mr. RAKER. What in your judgment is the percent of those two million of the Czechs and Slovaks that can not read or understand or speak the English language?

Mr. KOREFF. That would be hard to tell. There is a large percentage that can speak English well, well enough to get around in any walk of life. I am speaking here, particularly of the Czechs who come from Bohemia, a country that has only 2 per cent illiteracy.

Mr. SABATH. Less than that.

Mr. KOREFF. Less than that by now. Slovakia, owing to very unfavorable conditions brought about by the feudal government of Hungary, had a larger percentage of illiterates but there are thousands of Slovaks who have learned to write and read right in this country.

Mr. RAKER. How many papers are published in the United States?

Mr. KOREFF. We have 28 Slovak papers.

Mr. RAKER. And how many Czecho-Slovak papers?

Mr. KOREFF. I think there are 25 or 30 Bohemian papers and by "Bohemian," I mean Czech.

Mr. RAKER. If these people can understand, speak, and read the English language, could you tell us what is the necessity of continuing these foreign-language papers,—these 28 and 30 you speak off?

Mr. KOREFF. I can explain that very well, for I had the distinction of being on the Pennsylvania Council of National Defense as publicity man during the war and I had the opportunity of supplying forty papers with Government releases and acquainting them with what the Government wanted, and it is the main purpose of those papers, that they act as a bridge between the immigrant and his new surroundings. The immigrant has to pass somehow, by some process, into American life and his newspaper is that bridge, because it teaches him.

Mr. RAKER. There are not many of them who are required to cross the bridge, according to your statement.

Mr. KOREFF. Very many, almost all of them.

Mr. RAKER. What would these people do if the Federal Government should pass a law that they should not publish these foreign-language papers, but that they should study English like the Government did from which they came: Would they pick up and leave the United States?

Mr. KOREFF. I can not presume what they would do, but I will say that this Government would deprive them of a very effective means of instruction. This is only temporary and I will say here and may have the opportunity of reiterating that the foreign-language press is only for a transitory period and the date is not far off when that press will stop being published from lack of necessity. But while that necessity exists, we are rendering a service to this country by publishing these papers. And these papers are not money-making propositions. They are published at a sacrifice, with the exception of the fraternal beneficial papers, which are kept up by those organizations out of an administrative fund. Every foreign paper has to struggle, and hundreds of papers go under because there is a lack of circulation and a lack of appreciation for them.

Mr. RAKER. If immigration of this class was suspended for from 5 to 10 years, foreign-language papers would then cease?

Mr. KOREFF. No; they would not—not unless every immigrant who can not write and read English would also die at the expiration of the law.

Mr. RAKER. I thought you said in your official work you found that practically all of these people could speak English.

Mr. KOREFF. Oh, they can speak it well enough, but take any one of the daily papers. Unless a man is well educated or has some kind of an education, he has to struggle to read them, and if a man wants to read that paper with some benefit he has to use a good dictionary. That is not in line with the ordinary man who turns in 10 or 12 hours of work and then comes home and, if he does read a paper, will only read something he can understand and that only means part of it, and very often he will misread something that, when quoted in his own language, gives him a thoroughly different understanding.

Mr. RAKER. The young men and women who have grown up and who are growing up now, speak, read, and write the English language?

Mr. KOREFF. They do, certainly; yes.

Mr. RAKER. Do they not read it at home?

Mr. KOREFF. They do and I see people buying newspapers at the news stand where I buy—I can tell their nationality by their looks—I can see the papers they buy.

Mr. McREYNOLDS. Is the English language taught in all of your schools?

Mr. KOREFF. In reference to the children?

Mr. McREYNOLDS. Is it taught in your schools?

Mr. KOREFF. In this country?

Mr. McREYNOLDS. Yes.

Mr. KOREFF. I think it is covered by the school laws of the State that every parochial or private school has to have a certain curriculum of English.

Mr. McREYNOLDS. It does in my State and that is the reason I ask what the situation is in your State.

Mr. KOREFF. In Pennsylvania?

Mr. McREYNOLDS. Yes.

Mr. KOREFF. Oh, yes; we have very strict school laws and our requirements are very high.

Mr. RAKER. Have you any foreign-language schools that are being maintained for the purpose of Czechs and Slovaks attending?

Mr. KOREFF. There are some schools connected with the churches, but those are covered in the school laws of the respective States, as I have said.

Mr. RAKER. Is there any considerable number of them?

Mr. KOREFF. No; not a very large number, and, in my opinion, the fewer the better.

Mr. RAKER. What is your view on immigration? Should we have a more rigid restriction, or should we do away with the present law and go back to the act of 1917 entirely?

Mr. KOREFF. No, we should not; but I would say this, that while immigration could be restricted until such a time until this country has found a stable economic footing, has found its equilibrium, we need not be afraid of immigration or any surplus of immigration, because that surplus of immigration which eventually would come in would counterbalance again as a consuming factor, because those people who come in here to earn money also have to spend it.

Mr. RAKER. Are these people as intent upon maintaining their own language in the United States as they were in the country from which they came?

Mr. KOREFF. No, they are not.

Mr. RAKER. They have abandoned that?

Mr. KOREFF. They are adjusting themselves to the conditions they find here. But if you will permit me, Judge Raker, I would like to make one statement and that is this: I have maintained in the past that our Americanization policy as applied to foreigners can only apply to them temporarily, because the first child that is born in this country belongs to this country, receives the public-school education of this country and becomes an American by virtue of its birth and its education, and as far as the old people are concerned, they are taken care of by nature—they drop out just as we march along.

Mr. RAKER. With some 13,000,000 people in the United States who can practically neither read nor write nor speak the English language, do you not think we ought to assimilate those before we bring in large numbers of others?

Mr. KOREFF. Well, that looks to me like a question of digestion.

Mr. RAKER. That is a very important thing; if your digestion is out of order, you are apt to get sick.

Mr. KOREFF. Yes; now, on the question of overloading his stomach, a big man has a large capacity [laughter], and a large country like the United States has a pretty large capacity for taking care of immigrants without doing an injustice to itself.

Mr. RAKER. But that big man, when his digestive apparatus gets out of order and when he has overloaded his stomach so that it can not perform the necessary and proper function of digestion, would be like the big country, too—he would go down quicker than the small man, would he not?

Mr. KOREFF. No; he will assimilate it if it is digestible food. [Laughter.] That is what I mean, digestible food.

Mr. RAKER. One other question: What is your opinion as to mass settlement and mass congregation of aliens such as we have in this country? Is it good for the country, or bad?

**Mr. KOREFF.** Have you reference to clustering together?

**Mr. RAKER.** Yes.

**Mr. KOREFF.** Well, they are simply following a law of necessity. These people are just attracted to each other by a common law, I would say, of affinities; they go where they find understanding. For instance, if they could understand their Irish neighbor as well as they understand their own, then they would be just as easily settled among the Irish or Swedes or anybody else. But it is the most natural thing in the world that they should flock together before they learn to flock apart.

**Mr. CABLE.** Tell your people they had a good representative.

**Mr. KOREFF.** Thank you. [Applause.]

**Mr. SABATH.** He is only one of hundreds of others like him.

(Mr. Koreff submitted a supplementary statement which is printed in full as follows:)

SUPPLEMENTARY STATEMENT SUBMITTED BY O. D. KOREFF.

In re admission of immigrants under the proposed bill H. R. 101, based on the census of 1890.

The proposed bill, if enacted, is to be known as the "Selective Immigration act of 1924," and aims to limit the immigration of aliens into the United States by basing the number of admissible immigrants on the census of 1890.

This basing of the number of admissible immigrants on the census of 1890—unintentional as it may be—works out discriminatory against immigrants from Czechoslovakia. Under the act of 1921, based on a quota of 3 per cent of the census of 1910, Czechoslovakia's allotment of admissible immigrants was 14,557. Under the proposed bill, which admits 2 per cent of the census of 1890, Czechoslovakia's allotment would be only 2,031 immigrants. These figures, standing alone, would not be indicative of discrimination; they would be only indicative of a desire of the Government of the United States to limit and restrict the number of immigrants, and in this desire—in our opinion—Congress acts not only within its vested rights and within its jurisdiction but also in the belief that its course is the best for the welfare of the United States.

The discrimination becomes visible where a comparison of the figures of admissibles of one nation shows up against those of others. For instance, the number of immigrants admissible from Germany under the proposed 2 per cent bill, based on the census of 1890, is 51,227 immigrants whereas under the 3 per cent quota law of 1921, based on the census of 1910, it was 67,607 immigrants. Expressed in percentage, Germany would be permitted to send 75 per cent of her allotment of 1921 under the provisions of the proposed bill, while Czechoslovakia would be permitted slightly over 14 per cent. If based on the same census of 1890. For the purpose of our argument it is immaterial whether this discrimination is intentional or inadvertent, the fact remains that it exists, and it is with facts that we have to deal in this issue. The allotments based on the figures of the census of 1890 are reduced in the instance of Sweden by 60 per cent; of Denmark by 50 per cent; of France by 25 per cent; of the United Kingdom by 20 per cent; but the reduction of admissible immigrants from Czechoslovakia amounts to 85 per cent of the quota allotted in 1921. This unusually large discrepancy leads us to the conclusion, to which we are now jumping hastily, but after due deliberation, that the Czechs and Slovaks are being discriminated against. Such discrimination, however, we hold as being inconsistent with the fundamental principles of true Americanism, and we take exception to the basing of the figures of admissible immigrants from Czechoslovakia on the census of 1890 as being arbitrary and discriminatory.

What is the reason for the discrimination against the Czechs and Slovaks? Why are they less desirable than, for instance, the Germans? Are they less desirable than the Germans? The existing immigration laws, and even the proposed bill, define all classes of undesirables not admissible for mental and physical defects and for other causes, which are also clearly defined. Aside from these enumerated causes, is there any other undesirability on the part of the Czechs and Slovaks? If it exists, we are not aware of it.

For the purpose of record we wish to show that Czechoslovakia is one of the newly created political States which was a part of former Austria-Hungary.

Your honorable committee has taken cognizance of such States on pages 13 and 16 of H. R. 101, on line 25, and on lines from 1 to 16, dealing with the allotment of admissible immigrants from such newly created States. But Czech and Slovak immigration in 1890, prior and subsequently to it, was classed as belonging to Austria and Hungary. The figures thus obtained are not reliable and unjust to Czech and Slovak immigration, whose allotment depends on an equitable adjustment of the figures, formerly accorded to Austria-Hungary.

The selection of the census of 1890 as a basis on which to figure future admissible immigrants is not a fortunate one, as it is indicative of dividing immigrants, and even the citizenship, into two classes, to wit, one which arrived prior to and up to 1890 and is considered desirable, and another which arrived subsequently to 1890 and is considered undesirable. However, what are the visible not the imaginary marks of such undesirability? Had this committee chosen the census of 1920 for the purpose of arriving at a fair conclusion as to figures on admissibles it would have acted consistently, because this is the last available census and embraces all nationalities involved in an equitable way. If only 1 per cent were assumed as a basis for admission, and if it would still more reduce the number of admissible immigrants, it would be more equitable, because it would allot to all national groups that figure to which they would feel entitled under the figures of this last census. But the adoption of the census of 1890 is objectionable, because it creates preferred nations in our immigration plan. That feature of it is irreconcilable with the traditional policy of fair play on the part of the United States and should not find expression in our laws.

Both Czechs and Slovaks are of white, Aryan stock. They belong to the oldest indigenous, autochthonous peoples of Europe, have a highly developed culture, and in this country have shown signs of easy assimilability with our American life. Czech immigration in this country is not classed as new immigration, although in the census of 1910 the Bohemians and Moravians appear for the first time classified as distinct nationalities. Slovak immigration is of a more recent date. It begins about the end of the Civil War, when the economic order of the United States underwent great changes and the invention of machinery and its growing use in the industries called for an increased army of industrial workers. It is about this same time that falls the settlement of differences between the Hapsburg dynasty and the Magyar nobility of Hungary, in 1867, after the *Ausgleich* (compromise). As a consequence of this compromise the Magyar feudal nobility of Hungary obtained the upper hand over the non-Magyar nationalities of Hungary. Political oppression followed with the resultant unfavorable economic conditions, and when industrial America needed labor to man its industries to capacity, and when along with better living conditions also beckoned political freedom in a democratic republic, the Slovaks came to this country by the thousands to avail themselves of these opportunities, until it is safe to say today that there are about 1,000,000 Slovaks in the United States.

The Slovaks entered the most hazardous vocations—coal mining and steel making—and they contributed their share toward the gigantic growth and development of these industries, which are so important to the life of this country. But they did more than merely work and enhance industrial and commercial values. They built churches and national halls, which became their community centers; they organized fraternal beneficial societies which pay sick and death benefits to their members, thus lifting their widows and orphans out of the pauper class. These members are engaged in pursuits which the regular insurance companies consider "unfair risks," viewed from the angle of profit. They have bought farms and cultivated them with such results that the secretaries of agriculture of our farming States (Texas, Virginia, Wisconsin, Iowa, and others) sing unstinted praise of the Slovak farmers, who, to use the phraseology of one such report, have practically coaxed crops out of rocks. That they did not turn to farming upon their arrival in the United States is not due to their aversion to farm work, which they know for many generations. It is rather due to the fact that no one ever took any interest in them and that in their transactions with certain real estate sharks they found themselves invariably cheated. They love land with the great love which the Slavs in general have for land, and they buy land whenever and wherever they get an opportunity. They built thereon their houses, and always have gardens and flowers. Wherever they settle, whether in colonies or scattered among other American population, they are a credit to their neighborhoods.

The Slovaks are industrious and thrifty; they are religious, but not bigoted; they have good morals and no records of criminality; they are assimilable, because of the oldest white Aryan stock; they have proclivities for private ownership; they build and own homes and raise their families on a high living standard; they have always proved an asset and never a liability to this country.

They have given unmistakable proof of their love for this country in the days of the World War. Their tireless efforts to help to produce the necessary material for the successful conduct of the war was an encouragement for the soldiers at the front, who knew that the folks at home were backing them with all their might. They worked day and night to produce and turned over a large part of their earnings as loans to the Government. They conducted themselves as behooves good citizens, regardless of naturalization, and they gave more than their share in man power by voluntary enlistment as well as by selective draft. They have proved very desirable from every aspect of our national life.

In view of the above we ask: Is it consistent with the policies and principles of the United States to discriminate against such a fine type of people who seek this country because in it they can realize their dreams of a life which is worth living and in which they hope to bring up their children as good, God-fearing, respectable American citizens? Is it in accord with those blazing ideas of democracy which were so forcefully expressed by the founders of this great Republic and which have become an heirloom not only of America but of the whole civilized world?

We are placing our case in the hands of your honorable committee and are firmly convinced that, inasmuch as the facts presented are the truth and our case just, that the committee will so modify the bill as to place it on a basis of justice and equity to everyone concerned, and a law created on such a basis will work out to the satisfaction of everyone concerned, and mainly to that of the United States, whose welfare, after all is said and done, is our chief concern.

Respectfully submitted.

[SEAL.]

SLOVAK LEAGUE OF AMERICA,  
IVAN BIELEK, *President*.

Attest:

JOHN A. KOCUR, *Secretary*.

REV. C. L. ORBACH,

*President Daily Slovak American, New York, N. Y.*

O. D. KOREFF,

*Editorial Writer, Weekly Bulletin Slovak League.*

Mr. DICKSTEIN. Mr. Chairman, I have the great honor to present to this committee the well-known rabbi, Dr. Stephen Wise, who will take about 35 or 40 minutes.

### STATEMENT OF RABBI STEPHEN S. WISE.

Doctor Wise. Mr. Chairman and gentlemen of the committee, I represent the American Jewish Congress and its affiliated organizations represented at this hearing to-day by a committee which includes Messrs. Lampert, Rosenblatt, and Richards, in which organization there are affiliated a number of organizations, fraternal and others, of importance in Jewish life in America, including the Independent Order of B'nai B'rith, the Zionist Organization of America, the Independent Order of the Free Sons of Israel, the Independent Order of B'rith Shalom, the Poalei Zion, which is a Zionist organization, and the Independent Order of the Western Star. And you will, I trust, Mr. Chairman, forgive me if I say Mr. Marshall, who has spoken to-day in a very great measure, I perhaps in a lesser measure, have a right to feel that we do not stand here or speak here solely not even chiefly as Jews. I hope, Mr. Chairman (although I am not a native American, that was disclosed already and I shall continue to reveal it by the imperfect manner

of my speech), I trust that if no Jew on earth were to be denied admission to America by any laws or statutes or regulations that might be devised, I would, as an American, with, of course, the Jewish ancestry and background and I hope passion for and love for fair play, be just as eager to stand up to-day and assert the right—not the vested right, Mr. Congressman, of any European in America, but the right of every man outside of America to be considered fairly and equitably and without discrimination, as long as and in so far as it be the policy of this country, without fear or favor, to admit to this country men who will become of American residence and citizenship and men calculated to enhance the wealth and to enlarge and enrich the moral and spiritual resources of your and my country.

Reference has been had to my foreign birth. I am sorry to say that I was born outside of these United States, not because I cherish any presidential ambitions, Mr. Chairman (there is an organization in certain parts of the country that would probably see to it that I was not elected President of the United States, even if I should have been born here), but I can not help sympathizing very earnestly with the attitude of the gentleman who was heard to-day, who stated that, after all, birth is a matter of accident; but not wholly a matter of accident, for birth carries with it, I grant you, sir, lineage, ancestry, racial hopes, racial tradition, national stock.

Mr. Box. And recent environment?

Doctor Wise. And all those environmental influences of the past which we call heredity, and all that extraneous heredity which we name environment. I quite agree with you, sir. At the same time I feel, Mr. Chairman and gentlemen of the Immigration Committee of Congress, that there is just a little danger of our overstressing the circumstance of birth, as if one birth and one lineage carried with them certain high qualifications, and as if another birth and lineage or ancestry carried with them, inevitably, certain disqualifications.

Now it may shock some of you to hear me say that I think there are many men born in America who are not Americans in any high sense of the term—not Americans in any high sense of the term. They are geographically Americans; they are Americans in so far as they were born within this territory which is denominated the United States of America; but that is because I labor under the disadvantage of being a minister. I assume that America is a spiritual entity and that physical birth does not open the door to that spiritual entity unless one have other qualifications. In other words, I oftentimes put it—

Mr. Box. But you do admit that the fact a man is born in America gives him a vested right here to the exclusion of others?

Doctor Wise. It gives him that vested right which inheres in physical birth on the American soil; absolutely, sir. But I hold, Mr. Chairman, that no one of you, with your high conception of American ideals, would venture to deny that Americanism means a great deal more than birth in America, or even than that racial background which you might say lies back of birth.

If I may be forgiven a rather personal allusion, may I cite this: I happened to tell Colonel Roosevelt (one of the older friends of

whom I never found it difficult to call him by another name)—I happened to tell Colonel Roosevelt in 1893, soon after I first met him, 30 years ago, about my father, who was a student in the German University at Leipsic in 1865, and I told Colonel Roosevelt that I had learned from two friends of my father (all of them, of course, Europeans; all of them Austrians, as my father was an Austro-Hungarian) that the three of them stood together in the Leipsic University room on the day after the assassination of President Lincoln and my father turned to the other two men (he was then 21 years of age, born in 1844, and could not speak one word of the English language) and said, "Some day I am going to live in the land of Lincoln—some day I am going to live in the land of Lincoln." Colonel Roosevelt turned to me and said, "When did your father come to America?" I said, "He came to America in 1874, almost immediately after my birth in Budapest." "And your father," he said to me, "said he was going some day to live in the land of Lincoln, in 1865?" I said, "Yes." Colonel Roosevelt then said, "Then I should say that your father was an American nine years before he ever touched the soil of America with his foot, because the soul of America was his in the making and in the hoping, long before he dreamed physically of becoming a part of the United States."

Forgive this digression, but I think it not without significance, because it bears just a little upon the discussion of a moment ago with respect to the vested right of any European. No European has any vested right in America, but, Mr. Chairman and gentlemen of the committee, I point out to you that we may commit a wrong even against those who have rights visavis or respecting us. We may wrong one man if we deny him that which on any arbitrary and indefensible grounds we grant to another. And, Mr. Chairman, I dissent most heartily from the notion, most earnestly and solemnly from the notion that just because XYZ in Czechoslovakia, Yugoslavia, Rumania, have no vested rights in America, therefore the United States of America can do no wrong to them if we exercise, as against them, an attitude which is discriminatory. Discrimination, even though it cloak itself under the name "selection," is always fundamentally and eternally unjust.

Mr. Box. You spoke of your father being an American before he came here——

Doctor WISE. I quoted Colonel Roosevelt, sir.

Mr. Box. I understand that.

Doctor WISE. I quoted Colonel Roosevelt, who was a fairly good authority on American problems.

Mr. Box. I understand that. and it was a very apt saying of Colonel Roosevelt. But is there not a vast difference between a man like your father, who felt an affinity for American life and who came here because there was that in him which drew him to the land of Lincoln, and the great number of people imported here at the instance of employers and seekers of cheap labor, who come to get a job? I do not mean your people; I mean is there not a vast difference between the old immigration which came, prompted by the motive you mentioned and others—is there not difference between the motives of such men as your honored father and the men who



are gathered up by the importers of labor to supply the needs of production, as they call it, which means the needs of profit making? Now, is there not a difference?

Mr. DICKSTEIN. Mr. Chairman, may I be permitted to answer——

Mr. SABATH. He knows there is no such immigration now.

Doctor WISE. Let me answer; I want to answer him. I will tell you, sir, my father was looking only for and requiring only a political and spiritual refuge; but tens and hundreds of thousands of eastern and southern Europeans need very much more than that; they need a fair and decent opportunity to live. They have a passion for a country in which there shall be one law—just and equitable. They need and hunger for economic subsistence for themselves and for their families. On the contrary, I am prepared to say that the poor fellow in Czechoslovakia who dreams of America as a place where he can rear his children with some degree of decency and comfort, hungers for America even more than my father did, who, after all, was thinking in terms only of the spirit; he needs America more than my father did, because my father was not driven in any part by economic necessity.

I trust I answer your question, sir. May I proceed for just a few moments and point out that I, for my part, answering the questions that might later have been addressed to me by members of this committee, wish to say that I consider any quota arrangement undesirable, unfeasible, and in spirit unjust. The question was asked before, why, then do you accept it? Because we bow before the force of a public law of our country—of this country—at this time. I do not assent to the wisdom of the present law touching immigration. I believe that we have a highly and wisely selective and sifting immigration arrangement in the law often referred to to-day, namely, the law of 1917; and I for my part do not at all believe that arbitrariness—and it is arbitrary—the principle of arbitrariness of the 1910 quota or the proposed 1890 quota in any wise enhances the selective results of the immigration policy and principle embodied in the law of 1917. On the contrary, I see now why men like Mr. Marshall and other wise, farseeing Americans were and of necessity were opposed to the law which is to-day upon the statute books. They foresaw that it might become what it is evidently calculated and planned that it shall become the beginning, the first step, the thin-edged wedge. You cure the evils—and I maintain they are evils—by aggravating and by deepening them through this new, indefensible, arbitrary arrangement. When I say “indefensible,” I have in mind it can be defended only on one ground, that already animadverted upon, namely, the necessity of these United States of America to put a premium upon one type of immigration and put at a discount, virtually within the limits that decency inhibits, every other type of immigration.

One word, and only one word, in supplement to what has been said about the Nordic race. I am no anthropologist, but I remind you, gentlemen, that anthropology is an upstart science; it is one of the newest of sciences, and we sit here listening to dissertations upon anthropology. The distinguished gentleman from Colorado, Mr. Vaile, I believe, quoted to us from the book of Madison Grant—Madison Grant, who, after all, represents a group of men who are

experts on the care of menageries, a group of men who are concerned with the problems of the American Museum of Natural History, men with a most expert acquaintance with the problems which arise in and out of the management of the Museum of Natural History, but which hardly constitutes adequate qualification for a decision as to the worthiness of one group of aliens and the unworthiness of another group of aliens.

But, Mr. Chairman, are you and your associates prepared to maintain, as you in substance do, that the Latin races, that the Gaelic races, that the Slavic races, are to be counted as inferior and treated as inferior; are you prepared to continue the discussion of the Nordic race, originated by the son-in-law of one of the great prophets of the German Empire, namely, Stuart Chamberlain, that you wish to shut out the southerners, that you wish to shut the door in the face of that great people of France, which is not Anglo-Saxon, which is not Teutonic, which by no stretch of the imagination would be called Nordic—those European people, those southern people, those Mediterranean people, those akin to the Latin races? And what about the Latins themselves; what about the great Italian people, who, after all, have made some of the most artistic and spiritual contributions to the treasury of the human spirit? I am reminded, gentlemen, of the unhappy term you sometimes meet with, the term "asiatics." Of course, there is a great distinction, and that distinction is oftentimes ignored, between the Near East and the Far East. The Near East includes principally Egypt and Asia Minor, and it never has been for a moment confused—the Near East—with the civilization of the Orient, with the Far East, which, after all, does represent the antipathetical point of view and attitude touching the whole of life.

I remember some years ago I asked Charles Cuthbert Hall, one of the noblest Christian gentlemen I have ever known, I said, "Mr. Hall, will you give one of a series of addresses to my people in my synagogue on the founders of the great religions of the day?" He said, "Which would you have me speak on?" I said, "On your own religion, Christianity, the religion of the East." He pondered for a moment, and then he put out his hand and said, "Of course I will, Rabbi Wise." Christianity is a religion of the East; it is a religion that had its rise in Asia Minor; excepting for one or two of the expounders and apostles of Christianity, none of them ever left the soil of Asia.

I am not pleading today for Asiatic immigration; on the contrary, I insist there is a great gulf fixed between the Near East and the Far East, in spite of the fact that John, Peter, Paul, James, Matthew, and Luke, even the founder of Christianity Himself, were in a very real sense of the term Asiatics and of Asia. I protest against the contemptuous and derisive use of the term Near Eastern or Asiatic as if the Asiatic were a term of reproach. The fact is, nearly every man in this room, whether Jew or Christian, lives by the spirit of the things that have come to us out of Asia, out of the Near East, out of that tremendous group of figures, the greatest the world has ever known, who gave us after all, the Bible of the East and the Bible of the truth and spirit of God, the spirit of the God of Love, the God of Righteousness, and the God of all

those things which you as Christians and I as Jew hold in common. And I think, Mr. Chairman and gentlemen, I feel deeply the eastern and southern immigrants of Europe have certain cultural contributions to make to the spirit of America. May I be permitted to say that I yield to no man in America my reverence for the great things of Anglo-Saxondom. I know some things about Anglo-Saxondom; I know, after all, America in the highest sense was founded by the Pilgrims of Virginia and by the Puritans of Massachusetts; I know they brought with them the old England and here established the new England; I know we are living on the basis of Anglo-Saxon law; I know some of our greatest institutions and ideals have come to us through Anglo-Saxondom and out of Anglo-Saxondom, and I remind you of what perhaps you have no time to recall, that much that is best in Anglo-Saxondom rests upon the Hebrew Bible. The Puritans who developed New England in the early seventeenth century were men who were called magpies in their own day, and I wonder if you happen to remember when the first constitution of the Colony of Massachusetts was written there was a provision at the close that "any problem undecided by the provisions of this instrument shall be referred to the appended book of Mosaic Law," the law of the Mosaic Commonwealth decided for the founders of America, whether in Virginia or Massachusetts. They rested themselves upon Bible truths, rested themselves upon the Bible ideal; that ideal which had no little part in the deepening and confirming of the American passion for freedom.

Forgive me if I say I do not think it chance or accident; I believe in all my heart it is providential design. In an outer room of that building the light from which first proclaims liberty to the rest of the world, there is inscribed the words taken from a chapter of the Book of Leviticus, a Mosaic law, "And he shall proclaim freedom throughout the land unto all the inhabitants thereof." I say it was providential design, for those men inevitably went back to these Bible ideals and the Bible passion for freedom. "Let my people go that they shall serve me," said He, and the founders of America went back to Bible truths, to Bible ideals.

Gentlemen, I happen to know something of America, although I was foreign-born. I have lived here forty-nine fiftieths of my life—rather a fair percentage. I know something of America; there is not a State of the Union I have not visited, except your own State, I am sorry to say to the Congressman from Texas.

Mr. Box. I am sorry you have missed that great privilege.

Doctor Wise. Thank you, sir; I shall have it this winter, sir. There is not a State of the Union, I believe, except the State of Texas, which I have not visited, upon which I have not inflicted my poor word. I know something of America, and I do not think it at all fair to assume, as you gentlemen do—you are not unfair about it—that the country is clamoring for restriction of immigration and virtually, although not technically, for the abolition of immigration. I tell you that America is still under this post-war hysteria. It is rapidly emerging, not rapidly enough, but it is rapidly emerging from its post-war hysteria. But that post-war hysteria which still remains continues to work in America and I tell you you are inflicting (you do not mean to do it, but the

result is the same), you are inflicting a great wrong upon thousands, upon bodies of citizens of America who live as Americans, who love it as I do, although I am foreign born. You are creating among the Hungarians, the Czecho-Slovaks, the Serbians, the Jews of Eastern Europe, none the less effectively, a sense of inferiority, that sense of inferiority which is essentially and instinctively felt when a man is proscribed against, as if, later on, he will not be helpful and serviceable to America.

And when you, Mr. Chairman, create such a sense of inferiority, what happens? Either you have revolt—I do not mean physical military revolt—you have unhappiness, moral turbulence, spiritual dissent, or something still worse—acquiescence in your decision, and the moment you get the Czechs, the Slovaks, in Mr. Koreff's group, and the Jews, in my group, in America acquiescing in that standard of inferiority which you choose to place upon them morally, you have degradation. And what I can not quite understand is this: If it was the post-war hysteria of America, I could understand it; I am not prepared to say I could defend it, but I could understand that you gentlemen around this table might decide that up to the 11th of November, 1918, citizens of Germany and Austria were warring against us and, inasmuch as the Treaty of Peace with Germany was not ratified until after President Harding assumed the presidency—was it?

Mr. MARSHALL, October 9, 1921.

Doctor WISE. Inasmuch as the treaty of peace was not ratified until October 9, 1921, Mr. Chairman, that you, sitting here in earnest conclave, might decide "we are not yet prepared to give citizenship to the citizens or nationals of a country with whom, within five years, we were at war." That would be comprehensive; that would be intelligible. Gentlemen, I am not advocating it; I am not advocating any preference; I am not advocating vengeance. "Vengeance is Mine, sayeth the Lord, and it belongs to no man." But what I can not understand is this: It is beautiful of Christians to forgive their enemies, but don't add to that "and punish thy friends and allies," which is what you are doing to the Czecho-Slovaks. And you do not know, unless you study the problem, you can not understand what it meant for Masaryk and his followers to say "our physical persons technically belong to you, but our hearts belong to the Allies, and we will not fight for you against England and the United States." Czechoslovakia performed just as glorious a fight as Belgium did, just as glorious a fight as Rumania did, and it should have been placed on its feet by the United States of America. It performed just as glorious a fight as those Jews of Palestine, who are nominally and technically under Turkish sovereignty, but who said "we cast our lot with the friends of freedom." Technically, they were traitors; technically, they were guilty of treason, but if that be treason, God give us more of it.

Citizenship, after all, makes people feel as the great Czecho-Slovak group did, as did that fine group of Christians who died in Armenia and the Jews in Palestine, when they said, "Even though we are temporarily under your domination and influence, you have no right to control our life and our freedom."

One thing I feel, Mr. Chairman, I must say before I have done. Mr. Marshall to-day alluded to certain men. Mr. Marshall did not claim the mute Milton, and the glorious Pupin and Marconi and Charles Steinmetz and Nikola Tesla—that these men, after all, represented the average of the Hungarian or the East German or Italian or Serbian immigration. Of course not. Mr. Marshall set out to prove, and I think he proved his case. That is, when you, through any arbitrary quota measure, shut out great numbers of men for whom there is room in America, you never know what glorious mute Milton, or what glorious Pupin, or Tesla, or Steinmetz, or Marconi, you are shutting out from America. I like to think, Mr. Chairman, we judge European nations and their immigrants by their best; not by their worst.

What about America? Philips Brooks, Bishop Philips Brooks, my bishop just as truly as the bishop of the Episcopal Church of America, said of Abraham Lincoln, "Abraham Lincoln is not an American; he is America." "Abraham Lincoln is America." Some cynic might have said, "What about Jesse James?" I say to you, gentlemen, Lincoln is America; Lincoln is representative of Americans; Lincoln represented the standard to which the rest of us dream that in the ages we shall morally and spiritually repair. Now, have we any right to say that these great men incarnate are not among the foreign-born groups in America, even though to you and to me they seem unintelligible? And while I use the term "seem unintelligible," if you were to hear the gentleman, Mr. Koreff, arise here to-day and, for five minutes speak the Slavik tongue, it would sound to you and be to you a most unintelligible, untranslatable, Choctaw. At the same time, there is good literature, there is high culture incarnate in the language and the spirit of his country. If I at this moment were to read to you one of the Hebrew Psalms, it would sound like Choctaw. [After speaking in Hebrew.] That may sound to you like Choctaw, sirs, but it was one of the Psalms Jesus probably learned from the lips of his mother in Palestine; that is one of the Psalms which the Christian world has been reciting for nineteen hundred years—

The heavens declare the glory of God; and the firmament sheweth his handwork. Day unto day uttereth speech, and night unto night sheweth knowledge.

Or if I were to recite to you in Hebrew, "The Lord is my shepherd, I shall not want," it would be unintelligible to you, and yet we know the word of the Lord was written in Hebrew which spiritually sustains you.

I am speaking of that because I think we are in danger of misunderstanding and underappraising the value of the foreign press in America. I like the term Mr. Koreff uses, because I know what the Yiddish press does in America. I would like to have any impartial jury place side by side an English newspaper, any of the English newspapers published in New York, and any one of the three Jewish dailies. I am perfectly sure that any impartial jury would say there is far more of intellectual nutriment in the Yiddish paper than in the English paper. There would be less of the minutia of the daily happenings, it might not be as full a chronology of the news, but you would find translations in the Yiddish of some great word

of Cato, some great speech of Lincoln. The Yiddish papers are the best Americanization school imaginable for the Yiddish-speaking Americans. I know that; I mean I feel that from the case of my own mother, who came to this country—I sometimes put it I brought my mother and my six sisters and brothers to America with me when I was 16 months old. My mother came to this country when she was 17 years old, and yet to the day of her death—I will admit it—in 1917, she read the *Staats Zeitung*, which is a German newspaper published in New York. I must confess—perhaps, I ought to be ashamed of it—I have never seen more than the headlines, have never read that paper, but my mother read that German paper because, instead of struggling painfully through an English newspaper, she could read it, as you can read yours, at a glance. And, after all, you will admit that even though my mother could barely read English and spoke it most imperfectly, her children, of whom I am one of the poorest, we speak English with some degree of fluency—perhaps with too much fluency, but with some degree of fluency. In the case of my mother, she was born in Austria, and in her case, as with multitudes of the Yiddish-speaking Jews in America, the Yiddish papers constitute the bridge over which, in the transition period, the foreign born pass into the life, into the spirit, and into the heart of America.

May I say one thing more and then I shall not detain you longer, except I hope to have your queries addressed to me. You have ruled out the question of registration; that is to say, it is ruled from out of the purview of this hearing today. I will tell you, frankly. I am afraid of the creation of a bureaucracy in this Government that shall parallel some of the things in European bureaucracies. Of course, Mr. Congressmen, we shall not begin by having our bureaucracy deal with this problem of registration, identification and all the rest of it at the outset on a level with the bureaucracies of Europe; but you as statesmen know the bureaucracies have a habit of and a tendency to go down, down, down. There is something in the nature, there is a modicum, as the Latins say, in a bureaucracy which inevitably makes it a possible instrument of oppression and extortion. And I consider, in spite of what Congressman Vaile said to-day, the proposal to secure the thumb print of every immigrant to America, an insult to every foreign-born American and to every foreigner coming to this country, unless exactly the same arrangement be entered into with every native American, the assumption being that some day you may be required to use this method of identification. Gentlemen, if you want to build up American citizens, trust the foreigners; believe in them. You remember what James Russell Lowell said, "They who trust us, educate us." You are never going to convert the foreigners into Americans by dis-trusting them and thumb-printing them and fixing on them any of the stigma which, after all, we associate, necessarily and inevitably associate, with the commission of a wrong—the actual commission of wrong in this day.

Then there is a last word I want to say. I can conceive that the proposed law is a violation of the spirit of democracy. I use "democracy," of course, with a small "d"; I am not thinking of the Democratic Party. I am not sure there is one to-day. [Laughter.]

I am speaking of the spirit; I am speaking of the spirit of democracy. What does the word "democracy" mean and what is the content and significance of democracy? It means the rule of the people—the rule of the people. The fundamental implication of "the rule of the people" is this, one law for all; one law for all, not different laws or many laws for different kinds of people. And I venture to take you that far back with me and to remind you that one of the glories of my past is that biblical Mosaic law, "There shall be one law for the stranger and the home-born," and the stranger comes first. I return to that word used a moment ago, "vested" right. No man has a vested right in America who is not a native or legally adoptive American. At the same time, I can not help regretting, because I think I am an American, the incoming into American life, may I call it, of a less spacious, a less generous, a less finer and equanimical attitude toward other people and other races.

And may I remind you, in shutting out, as you certainly mean to do, large groups—groups of honorable, hard-working men and potential citizens of America—you are revealing your want of faith in America, your want of faith in America. You are declaring the incapacity of America to Americanize. Now, whom does not America Americanize? There are some exceptions, some men, who commit violations of the law and the statute; but are you going to judge the millions of men in Europe who, for the most part, live under the sway of the Christian faith, of the Christian dispassion of the Deity, and say that these men have a constitutional incapacity, constitutional inability, to be assimilated into the life and soil and the genius of America? I call that a denial of faith in America.

Try another attitude. Go back to the law of 1917; say that no man shall be permitted to come into America—no man, woman, or child who is not physically, mentally, and morally fit; no man who is an enemy of law and order; no man who is not prepared to swear and maintain allegiance to our form of government—and meet the foreigner with appreciation and understanding, but not with contempt and degradation. So that I reveal to you the thing that is in my heart, that I have come to feel a sense of shame in the circumstances of my foreign birth, almost a sense of shame, because many Americans speak about all, about every foreign-born American as though they were constitutionally and eternally inferior. I deny that every foreign-born American is constitutionally and eternally inferior; I say that I have the right to consider myself an American in so far as I embrace the genius of America and in so far as I am ready to give my life and all that is in me to the service of America, which I love.

I have a proposal to make: it is not my own; you thought about it before, gentlemen. Why not do this? I, for my part, do not consider the present measure an ideal one; I think it was an honest attempt for a time to try something else. You have not tried it adequately. There are other laws on the statute books that some persons in America would like repealed, and my answer is that it is our business to give a real trial to these laws, once we have them. They are on the statute books; let us give them a fair, square, full, and adequate trial. Give this a trial. It is far from being an ideal law, in my judgment, but give it a fair and adequate trial and.

contemporaneously, have a real, impartial investigation made by a committee, either such as this committee of the House, or a committee such as the Senate and House and the President of the United States may constitute, in order to envisage the whole problem of immigration. Do not take my word for it; do not take Mr. Marshall's word for it, or the word of Madison Grant, with all his insolent apotheosis of a man just because he happens to be of a quasi-Teutonic or quasi-Anglo-Saxon race.

Judge the question impartially and do not hear just one school of menagerie, one school of anthropology—hear all schools, hear all groups, give all men, all classes, all groups, every man here who has something to tell you, an opportunity to be heard and to teach you something about immigration. And I am here prepared, as one Jew in America, as one American—I am here prepared to accept the findings of such a commission. In the meantime, let this law, which bears hard enough to-day, gentlemen, upon certain groups, stand unpealed.

I am sorry to think I have taken so much of your time.

The CHAIRMAN. We thank you for the statement, Doctor Wise; we are very glad to have had it.

Mr. WATKINS. I want to ask you one question: You feel that these quotas are an insult and that they degrade, in a way, various nationalities?

Doctor WISE. Yes.

Mr. WATKINS. If we are not going to leave the law, as you suggested, or return to one you think best for the time being, do you consider it better, as treating all nations alike, to suspend immigration entirely, for a few years, rather than to make this quota basis for a few years?

Doctor WISE. Your question is this: Do you prefer, Doctor Wise, that there be a maximum of injustice to everybody, in order to avoid the lesser injustice to some, which of course I would not have. How could any sane man prefer that the supreme injustice be done to all, unless you are prepared to say that impartial injustice is better than part justice? That is, after all, the implication of your question. Of course, I shall be opposed to any legislation which would completely suspend immigration, because that would mean, in order to cure in our zeal a lesser evil, we are inflicting a very much greater evil, morally and politically speaking.

Mr. WATKINS. The argument is being made here that these quotas do not deal harshly nor hurt the nationalities of northern Europe?

Doctor WISE. Yes.

Mr. WATKINS. But that they do hurt those of southern Europe?

Doctor WISE. Southern and eastern Europe: yes.

Mr. WATKINS. And that everybody ought to be treated alike?

Doctor WISE. Yes.

Mr. WATKINS. I was thinking from your argument it might be better to suspend immigration altogether and treat all nationalities just the same, rather than to make the quota year 1890, or to adopt the census of 1890, or the census of 1910 as the basis for the quota. You do not agree with that?

Doctor WISE. I can not see the cure for the larger injustice to southern and eastern Europe is inflicting an equal injustice on northern Europe. I am afraid I do not follow your question.



**Mr. WATKINS.** Then you favor any basis rather than suspension?

**Doctor WISE.** Any basis rather than suspension, because suspension would work a universal injustice. This present arrangement, the present law, I do not consider wholly equitable; at the same time, it is certainly more equitable than the proposed substitute and infinitely more equitable than the one you suggest. I suppose, as an hypothesis.

The **CHAIRMAN.** The committee is gratified at your fair statement, **Doctor Wise.** We realize that you have made a very strong statement and we are glad to have it in the record.

**Mr. RAKER.** I would like to ask some questions.

The **CHAIRMAN.** Just a moment. I for one, feel under obligation to do what I can to let the people know, and particularly those who edit the foreign-language newspapers, that this committee has labored for a long time all through the last Congress, in fact, ever since the passage of the quota act, to get some legislation that would humanize that act and to pay some attention to legislation that might relieve the families that were divided through the quota act.

So far as I know, no effort has been shown by this committee or any member of it to use the term "selection" as to mean discrimination in favor of one race as against another. The whole labor of this committee—and I can assure you it is painful, heart-rending labor—has been to try to devise a plan by which we might properly show some attention to those already in the United States without their families or close relatives, who are desirous of uniting their families and at the same time make provision against an influx of immigration beyond what we think the United States can stand.

As we look at the problem, it seems inevitable, as each year we have the appeals of the so-called groups become stronger and more insistent against restriction, that the time will come some day—perhaps many, many years from now—when we will want to suspend immigration and be unable to do it at all.

We have great hopes while clinging to a restrictive plan that we will be humane and fair about it with the peoples of the world. We have admitted that the Far East immigrant is of the type that we consider hardly assimilable with the people who are now here.

**Doctor WISE.** And which restriction has been based on a treaty arrangement through diplomatic and international channels, is that not true?

The **CHAIRMAN.** Partly.

**Doctor WISE.** I would, Mr. Chairman, have adverted to what I consider the more humane provisions of the proposed law, if Mr. Marshall had not done that so fully.

The **CHAIRMAN.** I think you gentlemen have been very fair with the committee. You have limited your general statements to immigration and have undertaken to meet the circumstances as you find them. I dislike to be placed continually in the attitude of assuming that there is a race prejudice, when the one thing I have tried to do for 11 years is to free myself from race prejudice, if I had it at all.

**Doctor WISE.** As every American should.

The **CHAIRMAN.** I thank you. We have been led to believe that at the time the first quota act was passed, two and a half years ago, that there would be a great influx of people from various European

countries seeking to escape the chaos resulting from the war, and we drew up the emergency immigration act. We were able to continue it, but not effectively. Our information now is if that law was passed as an emergency that there is still more need for it now, and that conditions in European countries are still worse.

Doctor WISE. Of course, you know that they are not, industrially and economically.

The CHAIRMAN. They are not in some countries, but the desire to get out seems to be increasing, and while we know that currency situations are such that the people who might want to come can not pay large prices for steerage tickets we also know that the shipping of the world is increasing and those ships which are available would quickly make trips entirely for steerage passengers at low rates.

Doctor WISE. Do you think, Mr. Chairman, you are taking adequate account of the will, and I might almost say passion, of the newly constituted peoples, such as Yugoslavia, Czechoslovakia, Poland, to build up the life of their own country?

I do not know whether you happen to know President Masaryk. He was the first person to stand in the pulpit of my synagogue in 1907. He was in this country, an exile. He went to Chicago. Perhaps Congressman Sabath, who I believe is the son of Czech parents, may have met him at that time. President Masaryk himself was an exile from his own country, dismissed from his position in the University, exiled from his membership in the Austrian Reichsrath, because he had entered upon the defense of a young man wrongfully accused of crime. In those days there was nothing for the Slovaks and Czechs to do but escape from Austria, which had a despotic government and was under the dominance of Hungary and its reactionaries.

But, after all, that condition does not exist to-day, and many, many men who you fancy might wish to be immigrants are dreaming of building up a republic of their own in their own countries. Czechoslovakia is to-day completely a republic save for the circumstance that President Masaryk, in recognition of his life-long service to his country was, I believe, elected President for life. Is that so?

Mr. MARSHALL. That is so. It was limited to him.

Mr. CABLE. Doctor Wise, have you studied this proposed bill?

Doctor WISE. I have, as carefully as one who is not a lawyer can study a document which is essentially legal in character.

Mr. CABLE. I can readily appreciate how you would understand any document you read. You say it is not as humane as the present law.

Doctor WISE. I did not say it is not as humane. If I did, I withdraw the statement. I hope I did not use that term.

Mr. CABLE. Your first objection is to the use of the census of 1890?

Doctor WISE. Yes: which is an arbitrary provision, and until I heard the statement of the chairman a moment ago, I thought and feared it was frankly calculated to lessen immigration from some countries and parts of Europe and to greater or magnify the possibilities of immigration from other countries?

Mr. MARSHALL. That is, to bring about that result.

Doctor WISE. To bring about that result, in any event.

Mr. CABLE. Now, do you not believe in counting the immigrants before they start rather than have them come here and then have to go back?

Doctor WISE. I agree with you, sir, as I did with Mr. Marshall, when I heard him. That is a very wise and humane provision.

Mr. CABLE. And the bill is better because of that provision?

Doctor WISE. Yes, sir.

Mr. CABLE. You believe in admitting the wives and husbands of American citizens?

Doctor WISE. That goes without saying.

Mr. CABLE. That is another improvement?

Doctor WISE. That is. I wish to say that I should have taken the time to dwell upon the advantages of the new law as compared with the old, for some of the evils are remedied by the new statute. I am sorry I did not do it. I thought Mr. Marshall did it for all of us and did it adequately.

Mr. CABLE. I just want to get your idea. You believe in re-admitting an immigrant who has left the United States for a temporary visit?

Doctor WISE. Of course, that goes without saying. It would be utterly unfair to do otherwise.

Mr. CABLE. You understand the bill is a 4 per cent bill, don't you?

Doctor WISE. Well, I understand this from eminent counsel whom I have involuntarily consulted; that they are not quite sure that the courts would sustain the 4 per cent interpretation which the framers of the bill have inserted.

Mr. MARSHALL. It is very vague.

Doctor WISE. It is rather vague. You see whom I meant by eminent counsel.

Mr. CABLE. You understand, do you, that there is a minimum quota for small countries of 400?

Doctor WISE. Yes; that does not really mean a thing, of course.

Mr. CABLE. That is an advantage to such countries, is it not?

Doctor WISE. That is a rather inconsiderable and negligible advantage.

Mr. CABLE. It naturally is for a person who believes only in the immigration law of 1917.

Doctor WISE. Yes; as I frankly and confessedly do.

Mr. CABLE. You do not claim to this committee that the people whom you represent have been discriminated against in any laws up to the present time, do you?

Doctor WISE. No; not consciously discriminated against. But I add immediately and would have it recorded that I believe that the adoption of this bill 101 would result in the fact, though it did not aim at discrimination.

Mr. CABLE. The fact is that there has been a very heavy immigration in the last three years.

Doctor WISE. I could not be prepared to say heavy, sir.

Mr. CABLE. In the fiscal year ending June 30, 1921, of the 552,000 net gain, 120,500 were of that race. That is a pretty good percentage, is it not?

Doctor WISE. Yes. That was prior to the passage of the law.

Mr. CABLE. And in the fiscal year ended June 30, 1922, of the net gain of 87,121, 53,437 were of that race. That is a pretty heavy percentage, is it not?

Mr. MARSHALL. What does he mean by net gain?

Doctor WISE. It is suggested that I ask you what you mean by net gain. I am very glad you use the term "gain" in reference to the immigrant. That is something.

Mr. CABLE. I am speaking in numbers, Doctor.

Doctor WISE. I see. I beg your pardon. I liked your term, sir.

Mr. CABLE. That was a pretty heavy net gain?

Doctor WISE. I should not say it is heavy, as it is little more than a third.

Mr. CABLE. That is, two-thirds of the net gain of immigrants were of that race.

Mr. MARSHALL. I do not know yet what he means by net gain.

Doctor WISE. Mr. Marshall asks through me whether you will be good enough to tell us what you mean by net gain.

Mr. CABLE. These figures and the other figures I have given you are compiled as follows: There is taken the number of immigrants who have come into this country and there is subtracted from that the number who left the country during that fiscal year and that leaves a difference which I call net gain.

Doctor WISE. Which means that more non-Jews have left America. In other words, that there are many, many more non-Jews who go back to European lands to live and to enjoy the usufruct of their American gains, than Jews.

Mr. CABLE. You do not object to their going back and spending their money?

Doctor WISE. I do not object to it, but I do claim that the circumstance that the Jew becomes and remains an American and treasures his American residence in such wise as not to dream of going back to Europe is an argument in favor of their admission.

I should venture to say that not 1 per cent of Jewish immigrants returns to European lands. I say that under correction. It is only a guess, but I, who have been in the Jewish ministry 30 years, do not know of any people except for a very, very, very inconsiderable number who are going to Palestine to live, which of course is another problem, who return. I will say that there are practically none who return. Some Italians do return, but after they have served this country faithfully and have been law abiding citizens and it is no wrong to America for them to take with them something from America.

Mr. CABLE. They should have that right.

Doctor WISE. And reestablish themselves in their own country.

Mr. MARSHALL. But, to speak of this as a net gain is factitious and puts us into a false light.

Mr. CABLE. It is added population of foreign born to the United States.

Doctor WISE. But the thing is not what it seems, because you are charging, as it were, against the Jewish immigrant who remains in America, the number of other foreign born peoples who go back to their European countries. That is how you get your so-called net gain.

**Mr. CABLE.** I am just trying to show in the record that these people have able representatives who come here to Washington and that the laws do not discriminate against any particular race.

**Doctor WISE.** I think Mr. Marshall said, and I think I tried to say, that we do not conceive that there has been any intentional discrimination against my people, or any people, in the law as at present on the statute books. We do believe that if this bill were passed, it would inevitably result in very serious discrimination, because it harks back arbitrarily, and Mr. Chairman, I dislike to recur to that term because it harks back quite arbitrarily and on grounds which to me are inexplicable—and I wish you would have the kindness to explain them—to the 1890 census.

**Mr. CABLE.** I want to call your attention to the last fiscal year. In that year there was a net gain of 51,000 out of 472,000. That was for the fiscal year ending June 30, 1923. I just want to ask one more question. After the people get here, what is their chief business or occupation?

**Doctor WISE.** Which people?

**Mr. CABLE.** The Jews who come here.

**Doctor WISE.** I should say that Jews go into every manner and variety of business and trade. Many Jews, of course, go to the textile trades, because those are trades, the art of which is rather easy to acquire. They have built up a tremendous textile and garment making industry. Many Jews go into the building trades. The children go to schools and colleges and universities. I think it is almost as difficult to say what the Jews do as it is to say what Baptists do. They do whatever they find in their hands to do.

**Mr. MARSHALL.** But they are doing something.

**Mr. DICKSTEIN.** Some are Members of Congress and Supreme Court justices.

**Doctor WISE.** Yes; I am sure your associate rejoices in that circumstance.

**Mr. CABLE.** Yes; they are ably represented on the committee.

**Mr. HOLADAY.** Doctor, I ask this question not in an abrupt or unkindly spirit, but I want to get your opinion on it.

**Doctor WISE.** Yes, sir.

**Mr. HOLADAY.** Laying aside the benefits that would come to the immigrants and enter our country and also laying aside the personal pleasure and benefits that might come to the foreign born who are already here by reason of their relatives and friends coming here, what benefit would there be to the general citizenship of the United States to have, let us say, 1,000,000 immigrants enter the United States in 1924?

**Doctor WISE.** I do not believe in any circumstances there would be as many as 1,000,000.

**Mr. HOLADAY.** Let us say half a million.

**Doctor WISE.** That is merely in passing. I believe that 500,000 new immigrants would by that very number enhance the creative, productive, consuming power of the population of the United States. I can say to you that it is new to me to have you intimate that population does not mean wealth. I took it for granted that population means wealth. A country's wealth consists of the ponderabilia of clearing house or bank assets and of the ponderabilia of

human forces, of human activity, of human ambitions, of human ideals.

I think that 500,000 immigrants, after they have been sifted and include none physically, mentally or morally defective, would constitute a very, very considerable addition to the human wealth of America unless, of course, you are prepared to say—and if you are, it would be enlightening to me to learn why—that under any circumstances a normal, wholesome, productive, creative, wage-earning inhabitant of a country is not an item or factor in the totality of its wealth.

Mr. HOLADAY. Doctor, I was not intimating one way or the other. I was simply inquiring to get your viewpoint on that question.

Doctor WISE. Thank you very much. Did my answer give it to you?

Mr. HOLADAY. It did.

Doctor WISE. I think the Congressman from California was interrupted before, when he was about to address a question.

Mr. DICKSTEIN. He changed his mind.

Mr. WATKINS. Let me ask you this. You have heard people say that immigration keeps down the birth rate in this country. You have heard that, have you not?

Doctor WISE. Of course. I read all I can get my hands on and I hear all sorts of things.

Mr. WATKINS. What is your opinion of that? The statement has been made if we had not had any immigration at all since 1820, our population would be as great, as it is now by virtue of the immigration.

Doctor WISE. Well, our country would have had to be thoroughly Rooseveltized. You surely can not imagine that the so-called pressure of population, the pressure of subsistence has been such as to have made impossible an increase of population in America which would have paralleled or equaled the population that has been due to the incoming millions, plus their children.

It might be that there would be an increase, if the population standard would be three or three and an eighth or three and a sixteenth. Not that children are born exactly that way, but figures may be used that way.

But, of course, you must know as an intelligent and learned Member of this Congress that it is economic childishness to assume that the pressure of population has decreased the birth rate of Anglo-Saxondom. The fact is that population goes down as subsistence goes up.

Mr. WATKINS. Doesn't it go down as immigration goes up?

Doctor WISE. Your grandmother and mine, perhaps, had eight or ten children apiece. Our mothers had three or four. I do not know whether you have any children. Have you children?

Mr. WATKINS. Yes, sir.

Doctor WISE. How many?

Mr. WATKINS. I have one living.

Doctor WISE. I have two. My grandfather, who was a great rabbi in his own country, had 13. I think there were really 17; 3 or 4 who did not live long enough even to be counted. My income, poor and sad as it is, for you know there is one thing poorer than a church mouse and that is a synagogue mouse—is ten times as large

as my grandfather's income, although he was a very much more considerable person than I am. He could afford 17 children on an income of probably \$100 a year. I dare say he had \$100 a year. I have a little more than that and I have only two children. So that the well-to-do Anglo-Saxons have less children, not because Czechs and Italians are having more children, but because as people go up in the economic and social scale, the number of their children decreases. You know, that is a social law.

Mr. WATKINS. That is also brought about by the fact that cheap labor comes in and the man here finds that he can not raise children, he can not educate them, he can not bring them into the world and rear them properly.

Doctor WISE. Do you really think, speaking quite frankly, that procreation in the homes of the poor is as deliberate and as economically considered as you intimate it is? After all, the bearing of children is more or less deliberate in the homes of the well-to-do. They do determine whether they shall have one or two or three children, normally speaking. That is not true, judging by the figures, in the homes of the ill-to-do, of the wage earners. Procreation is not planned and foreseen with the prudence and the foresight and the wisdom with which it is actually or putatively, in the homes of the well-to-do. I think that is perfectly obvious.

You speak of cheap labor. I notice Mr. Atterbury addressed a communication to you, did he not, Mr. Chairman? He is the president or general manager of the Pennsylvania Railroad.

The CHAIRMAN. Yes; vice president and general manager.

Doctor WISE. He is vice president and general manager. I wonder whether Mr. Atterbury would be opposed to a great or a very considerable influx of European laborers if their labor were cheap, and if they could be made to work for a period of years without being brought within the scope of a labor organization. I think you would find a very different attitude toward immigration on the part of the heads and managers of the great industries of America if labor could be had at their own price and upon their own terms. Do you think that is true?

Mr. WATKINS. I was trying to get your viewpoint as to whether immigration in this country cut down the birth rate.

Doctor WISE. I have never even seen that stated. I have read some very wild and fanciful and grotesque statements about immigration but that my coming to America should prevent the birth of your brothers and sisters, I have never heard stated before.

The CHAIRMAN. Are there any further questions?

Mr. RAKER. I understood you to say that you thought the provisions of the act of 1917 were sufficiently broad enough as to create selective immigration.

Doctor WISE. I thought they were just and adequately selective.

Mr. RAKER. In 1918, on October 16, we added many provisions to those disqualifications. I suppose you believe in those also?

Doctor WISE. I should want my memory to be refreshed before making a reply.

Mr. RAKER. For instance, sabotage.

Doctor WISE. That goes without saying. I am a minister of religion. I do not believe in the use of force excepting under such circumstances as my country decrees it must be used in its own defense.

**Mr. RAKER.** What I was trying to get at was the act of 1917 has many provisions that disqualified one from entering the United States, and in 1918 we broadened them, by the act of October 16, 1918.

**Doctor WISE.** Yes; I remember that.

**Mr. RAKER.** When we provided for anarchists.

**Doctor WISE.** That is the section 3 you referred to in interrogating Mr. Marshall, section 3.

**Mr. RAKER.** Then we provided that aliens who write in public, or cause to be written in public, or knowingly circulate, or knowingly display any articles relating to these subjects, should be excluded. Those are approved by you?

**Doctor WISE.** Yes, sir; any restrictive provision calculated to insure the safety, the security and perpetuity of the American Government, and its policy, its ideals of government, and life, I heartily approve of.

**Mr. RAKER.** What would you say to adding another proviso to that so as to exclude those who believe in the practice or teach communism, as has been amplified—

**Doctor WISE.** I am not prepared to say that I know exactly what you mean. You use the term "amplify"?

**Mr. RAKER.** Yes, I use that.

**Doctor WISE.** I do not know just what you mean by the term "communism as has been amplified," and I am not familiar in substance with its manifestos.

I wonder sometimes, Mr. Congressman, whether we are not in danger of underestimating the American power of healing those who come to us with notions not really held, nor deeply cherished. I would have no man enter America who is frankly and consciously an enemy of government, and who does not, who is not prepared to assent to the validity of American institutions, and prepared to cherish and defend them, but if I may be forgiven, I do think that out of the chaos of certain lands in Europe men have come with a sense of oppression, of injustice, and of revolt, such as you, Mr. Congressman, and I might feel, if we had lived under similar circumstances, and I believe those men often misunderstand themselves; if they are given a chance to breathe the air of freedom, and to note in America there is one just law, one law of justice for all men, they will speedily put aside these so-called radical notions, which I think they deeply and always mistakenly hold.

**Mr. RAKER.** Any man who did not believe in the ownership of property would not be qualified to be admitted to the United States, would he?

**Doctor WISE.** I suppose he would not, but I would like to take a lad from Czechoslovakia who said he did not believe in the ownership of property, and I would like to argue with him, and I would like to have the chance to bring to bear upon him my understanding of what property may mean under law, and in the terms of justice, as compared with property which is only an instrumentality of oppression and power in the country from which he comes, and I am regretful that we are more eager to affix the tags of standards upon men rather than give ourselves the chance of inducting them into the spirit of our country, which is going to free them of a great



many things we know to be, and from which we believe they can be rid.

Mr. RAKER. What I wanted to get at was, such organization is now in existence in the United States, a communistic organization, which believes in the Third International, and it has many, many things contrary to our form of government. They are seeking people of like thoughts to come in. It is bad enough to have them here, those who are here already. Should any more be permitted to come in?

Doctor WISE. No, sir.

Mr. RAKER. They believe that the people in the United States should not be allowed to have the right to hold property, to have ownership of property vested in them.

Doctor WISE. No, of course; but my query is what can you do about the man who goes through the form of saying "I do believe." I would almost like (it may be inadvisable): I would almost like to put a premium upon the man who thinks he does not believe in certain things that are precious to you, and that are precious to me, and give America the chance to get at the soul of that man and liberate him from the influences under which he has come, by reason of the fact that government means to him oppression. It is not law or order that the foreigner objects to. It is lawlessness, and disorder which some European governments signify. That is my judgment.

Mr. RAKER. I was not speaking of foreigners that come from any particular country, but with such an organization established in our own country, principally for the purpose of overturning our present form of government, is it not bad enough to deal with those that we have here?

Doctor WISE. You do not think they are considerable in number?

Mr. RAKER. Yes; I do.

Doctor WISE. Do you not instead think they are a joke?

Mr. RAKER. No; I do not.

Doctor WISE. I have such faith in America that I can not but consider that any group who have dreams of overturning the government of America is a farce.

Mr. RAKER. That is a dream.

Doctor WISE. You believe we are to treat seriously and pay serious regard to a small group of men?

Mr. RAKER. There are twenty thousand in the United States.

Doctor WISE. If twenty thousand men can seriously threaten and impair one hundred and thirteen million of us, what are the rest of us doing? I think we ought to treat them, not as negligible, because there is no one man who attempts to undermine the government who is negligible, but I can not feel this great country of ours is to be terrorized or coerced in any way by a group of twenty thousand men at most. I did not know that there were twenty thousand members, but assuming that figure is valid, sir.

Mr. RAKER. Somebody gave me that.

Mr. MARSHALL. One newspaper indicated they would not exceed that.

Doctor WISE. It may run from two to twenty thousand. I can not believe—it may be because of my faith in America, which is one of my religions—I can not believe that a handful of men, scattered throughout the country, can seriously threaten our government. It

can not threaten the liberty and life of America. I want to say again, however, that no man should be admitted into this country who is not prepared to take allegiance to the faith that he will do all he can, whatever the verbiage might be, to serve, cherish the institutions of the American Government, and all that that means. Is that broad enough to cover the case?

Mr. RAKER. I would take it that if men believed in communism, as amplified and practiced under the third international, and they believed no right existed in private property, and they advocate that doctrine, and tried to promulgate it, if we had twenty thousand of them already in the United States, we ought not to let any more in.

Doctor WISE. No, we should not let them in, because of their political faith, and that they are prepared to destroy anyone, but I would go further than that and say any of them who are prepared to impair or weaken any one of the fundamental props of American Government and life; the private possession of property, is one of them, and not the only one.

Mr. RAKER. No, that is just one of them.

The CHAIRMAN. Doctor Wise, we are very much obliged to you. We will now hear from you Mr. Edlin.

#### STATEMENT OF MR. WILLIAM EDLIN, NEW YORK CITY.

The CHAIRMAN. Give your name, address, and business to the reporter.

Mr. EDLIN. Mr. Chairman, my name is William Edlin. My occupation is that of editor of a foreign-language newspaper, the Yiddish Day, but I come here to you not alone in the capacity of an editor of a foreign language daily newspaper, but in the capacity of chairman of the United Foreign-Language Newspaper Publishers and Editors of the city of New York.

I know it may be considered presumptuous for me to rise here before you after the eloquent addresses we heard to-day delivered by Mr. Marshall and Rabbi Wise, and I know fully well if we had gone the length and breadth of this country for capable men to present the argument in favor of a more liberal interpretation of the immigration laws of the country, we probably would not have found men more able, more eloquent, more gifted to present these arguments before you. But, after all, we should listen to the patient and not alone to the doctor, and I say to you, gentlemen, that we, as representatives of the foreign language newspapers, are really the ones that are more directly affected by all the immigration laws, and we are here to-day to speak on behalf of hundreds of thousands of foreigners in this country, who are in very close contact with us.

We talk to them every day, from the first day they arrive in this country. We know them. We know their interests and ideals, their aspirations. We watch their development and we feel that we are competent to speak for them. One of the gentlemen in the committee said before, referring to Mr. Marshall's address, that he was speaking for the select immigrant, for the men and women of the higher type of the immigrant classes. Well, we speak on behalf of the mass of those everyday men and women who come here to build

a home, who come here to struggle for a livelihood and settle here and raise their children here and remain here permanently; and it is on behalf of these masses that we, publishers and editors of New York foreign language papers, came together recently for the sole purpose of appearing before you gentlemen, and using other means to put our views before the public bar of this country.

I have here with me as a committee a few gentlemen, each of whom is either a publisher or an editor of a foreign language daily. There is one gentleman representing a Bohemian paper. I have here also a gentleman who publishes a Hungarian paper. I have also a gentleman who represents a daily Italian newspaper. I have a gentleman who represents the Polish paper. I have a gentleman who represents a Russian daily newspaper. I myself represent a large Yiddish daily newspaper. All the six of us are a committee representing over 20 daily newspapers published in New York City.

We represent practically all of the daily foreign-language newspapers published in the city of New York, and I want to emphasize this, because I want this committee to know that I speak not only in my own behalf, but on behalf of all the daily newspapers who are back of this committee. I have the honor of having been chosen to present their views before you.

Now, gentlemen of the Immigration Committee of the House of Representatives, on behalf of this committee that I represent, of the United Foreign Language Editors, I extend you officially an invitation at the expense of these foreign newspapers, to be our guests in the city of New York at any time that this committee finds time to come there. We want you to come to New York City, the largest city in the United States, if not in the whole world, so that we, the representatives of these foreign newspapers, who represent the foreign groups in New York City, can take you around at our expense, to show you the various quarters in which these foreign groups live, to show you what they have accomplished in the past quarter of a century, to make New York so important a city materially and culturally. We wish to show you that the immigrants that came in the last 25 or 30 years have very clearly and very definitely and very substantially contributed to the wealth and the culture of the United States of America, and it is in no place more evident than in the city of New York, which is the largest American foreign city in the world.

Why do we want to do this? Why do we want you as our guest to prove those things, to see the buildings we have put up, the streets that we have paved, the institutions we have, the schools where our children learn, and everything that goes to make up life in a great city? We want to show you that because we, representatives of foreign-language newspapers of the city of New York, and we also speak practically the sentiments of the foreign element throughout the United States, we believe that by introducing to the Congress of the United States this bill, fathered by the gentleman who sits at the head of the table, we believe that by introducing this bill you are doing something unconsciously, but nevertheless something that is unfair to us, and when I say "us," gentlemen, I do not mean necessarily the foreigners that are here to-day, or that will come to-morrow; by "us" I mean America, because I am not one of those

who wish to convey the opinion or the impression that by refusing to admit emigrants you are doing an injustice to the Europeans who desire to come here, but to us Americans, who believe in the greatness and in the capacity of this country; and I say we are Americans, even though we were not born here.

I came here, gentlemen, in 1891, after the time on which you wish to base your new quota. I am an immigrant who perhaps unintentionally is pointed out as undesirable, because you do not think that I am good enough on which to base the quota for the future immigrants; and I come here to tell it to you, gentlemen, not alone in behalf of the committee, but in behalf of millions of immigrants who came in the last 30 years, also on my own behalf, that we feel insulted when you have a clause of that sort in this bill, and when speaking on this point, I want to speak a little more generally, because that will convey to you very clearly and directly the sentiments of the foreign-language groups. We feel, gentlemen, that you are dealing unfairly in introducing such bills, because such bills are indicative of a spirit prevailing in this country now, after the war, which is un-American in the fullest sense of the word, un-American because it is discriminatory, because it is not democratic, because you are pointing out there that there are certain differences in the values of the different groups of foreigners that settle in this country.

I have said it is un-American because one of the things that has lured us to this country is the idea that this is a free country, and a country of equality. I consider myself an American. I was raised here, and I got my education here. I remember when I was a little boy, how I heard about America, the great free country, and how every letter that came to a relative told about America, speaking of its greatness, the possibility of making a living at anything at all, speaking of the equality, and my imagination was fired, my childish imagination was fired by the great and wonderful country America, and when my father sold his business and took the whole family, a family of five children, took my mother and family to America, I was one of the happiest boys in our town, and I dare say that almost every immigrant who came here did so because he was lured by the beauty of the democracy and freedom that is supposed to be the foundation of America. Well, whenever a bill is introduced in Congress that directly tends to draw a line between one class of citizens and another, I say that is not keeping faith with us. It is not keeping faith with the Constitution, which is the groundwork of America, and I say to you, gentlemen, that we foreign-speaking elements, or the leaders who speak for them every day in the editorials in our newspapers, who come in direct touch with them, we view with alarm this tendency on the part of certain natives to treat the foreign-language groups in this country as if they were inferior to the native born. It is dangerous because we believe if this is allowed to go further, instead of having one united country, instead of having one consolidated people, imbued with one ideal, you will have sections of people, with different thoughts, sectionally racially divided one way or another, and that is not desirable at any time. The fact that we are Italians, Jews, Bohemians, Greeks, and Slavs, the mere fact that we are here in large numbers does not make America less strong, less powerful,

less influential, so to say less forceful as a nation, whether in peace or in war. All these groups have shown their loyalty to this country, whether German or Bohemian, Yiddish or Russian, Polish or Italian; it made no difference. When America was in danger in war times they supported America fully as loyally as the native born. Is it not a fact, gentlemen, as has been pointed out, that even our great Civil War was brought to a successful conclusion, thanks principally, or thanks considerably to the loyalty with which the various foreign groups supported the Northern cause. Read history, and I am sure every one of you reads it carefully and knows it by heart, and you find there that there never was a time in America when the foreigner failed the American Republic. And why should the foreigner fail America? Is not America itself a foreign country? We are all foreigners, as a matter of fact.

It is not more than 300 years since the Pilgrims landed on our shores. What are 300 years compared to history, to history of mankind, and why should the honorable chairman of this committee, Mr. Johnson, who comes from the State of Washington, and the honorable gentleman who comes from the State of California, Mr. Raker—why should these gentlemen, and I do not mean to refer to them personally if they believe in this bill, and it presents the views of others, why should they think because they or their fathers or forefathers happened to come here a hundred years ahead of mine, that they are better than I am and more entitled to privileges which are given to all; and if you will ask me how, I will say this bill shows it, that you are trying to stamp the foreigner as a distinct class by himself. How? In many ways, by making the 1890 census as the basis for the quota. I say that is to us foreign-language speaking editors and publishers the greatest possible offense. I say that we who have come here since 1890 have done well for this country in every way, and the history of this country is sufficient proof that we have done well. Our country has become much greater in every way. We have carried on more than one war; we have had the Spanish War and the World War; we have acquired many new territories, and has America lost anything because of the influx of millions of Italians, hundreds of thousands of Jews, hundreds of thousands of Poles, and many from Czechoslovakia? Have you lost anything by them? I wish any of you gentlemen would point it out, point out the way in which this country was shaken or undermined by the influx of these many hundreds of thousands or millions of immigrants that came here in the past 30 years. They have helped this country. We have become greater, stronger, larger, more influential in the past 30 years, and I say every one of these foreign groups has contributed his share honestly, whole-heartedly, most loyally, and I say that it is not fair, it is not American, it is not in harmony with the spirit of democracy, and it is not fair play to see you base the immigration law upon the census of 1890, instead of the latest census, which is 1920, and if that is not practical, then on the census of 1910, because that is the next nearest to 1920.

One of you gentlemen asked a question, and if I am not mistaken I want to be corrected, but I understood one of you asked why it is a discrimination to base the quota on 1890 census instead of the 1910. A very simple reason. We can not have retroactive laws—we can not

have laws that go backward. We must have laws that go forward, not behind us, and if you are to base anything on population it must be on the present, not the past; and no so-called Nordic can in any way complain that it is discrimination against him, because this is 1910, and not 1890. The Italian, the Slavic, the Greek, the Jews and Poles and others that came in large numbers have a right to complain, and feel bad on the question, when you cut off with a mark of your pen from consideration all those who should receive equal treatment in this glorious country of the United States of America. We resent that, gentlemen, and I say it is not American because we consider ourselves second to none in our loyalty to America.

There are many other things in this bill which I say offend us.

Mr. RAKER. Would you mind naming those that offend you?

Mr. EDLIN. One is—it might seem a small thing to you, about the fingerprints.

The CHAIRMAN. Do you call yourself a foreigner.

Mr. EDLIN. No, sir; but I do not want my brother or uncle to feel that he is a criminal, and let me tell you that every foreigner whose fingerprints would be taken would feel that he is a suspected person. He will consider himself as one of a discriminated class. You will not be able to erase that impression unless every person in America has his fingerprints taken. Otherwise the foreigner will not get the right American spirit.

Another point: You have in this bill something which I am afraid that some of the members of this committee can not understand the full significance of, because they are not familiar with the conditions on the other side. One of the points has been raised. In section 2 of the bill, where it says the emigrant should furnish, besides his civil record, his military record, if any, and complete copies of all records concerning him required by the government to which he owes allegiance.

On page 8, lines 6 and 9, you also have this thing repeated—practically copies of all of the records kept by the government to which he owes allegiance. I want to tell you gentlemen that this will bring undue hardships upon many thousands of honest emigrants and keep them from coming to this country. Why? Because, politically, conditions in Europe are in such a state that the Governments there to-day may not be there to-morrow. Let me give you an instance. Suppose the gentlemen of Congress were in favor of recognizing Russia to-day. There are many worthy gentlemen in the Senate and House of Representatives who are clamoring for recognition of Russia, so that we may do business with it. I am not speaking in criticism of them, nor in favor of them. I point out the fact. Assume that in course of time a majority of the Senate decides that the Secretary of State should start negotiations with Russia and that the United States finally receives an ambassador from Russia. Once you do that it means that our country is in friendly diplomatic relation with one of the worst possible tyrannies in the world—a tyranny that allows no free speech, no newspapers only those controlled by the government, no free platform on which a man can state his political views, that allows no opportunity for anyone except a communist to have a say. Do you

want communists to come here? Of course not. But how about the noncommunists, the so-called counterrevolutionists, who would be most anxious to emigrate to America? How would they get from their tyrannical communist government all the records? All they would be able to do is to bribe some official to get the necessary records.

Take Greece to-day. What is she? Is she a republic or a monarchy? I challenge some of the members of this committee to tell me. The very fact is that politically conditions in Greece have been developing so rapidly that it is almost impossible to keep pace with what is going on there. Suppose Greece is a republic to-day, and some of the people persecuted wanted to go away from Greece, and the government would not give them the required records. Suppose there is no other way and some of them want to come to America. How will they get the papers? Why make it impossible for immigrants to come here?

Gentlemen, you are Americans, and you know that the best government is the government that pries less into your private affairs. We are a great Government, because the Government does not manage our private business. We must not encourage government to do those things that every individual can more honestly do for himself, but by putting in such clauses you do things of the worst kind. You do everything possible to require records which they can not get, because of the peculiar condition that prevails in Russia, Greece, or anywhere else. Take England, your most desired country, England. Next to America it is the finest country in the world, because of its language, that I understand, because of its culture, because of its democratic institutions, and because of its idealism. But here is our England on the brink of a great political change, amounting to a revolution. The Labor Party is about to take over the British Government. Now, suppose an extremely radical faction gets control of the Labor Party Government and some of the conservative or liberal-minded Englishmen find it necessary to emigrate to our country. Might not then the new British Government say, "No; we can not let them go to America. They might organize a movement against us; they might start a revolution," which is happening every day in the world in some countries. You make it impossible for desirable men to come here and force them to do things which they should not be compelled to do.

There are some points that I think this bill contains that should not be there. Others have been pointed out——

Mr. RAKER. Before you pass that, if a man came over here from England to form an organization to back and overturn the English Government he should not come here.

Mr. EDLIN. I did not get that.

Mr. RAKER. If a man came over here from England with the idea of making arrangements to go back and overturning the English Government he should not be permitted to land in the United States. Isn't that a fact?

Mr. EDLIN. That is true. But how are we here to know the real motives of people who want to come to America. Why, only recently there arrived in this country a man from one of the old aristocracies of Europe, a man allied by blood with one of the leading houses of

Europe. He came here ostensibly as an immigrant, but do you know the real purpose? It may be to organize a clique to overturn the government of the country from which he comes.

In times of strife and stress, in times of revolution, you do not know what men come here for. Englishmen are like ourselves; they speak English, they read our papers, and they are so near to ourselves that we have to know what their motives are before refusing them admission. That is not the main point I want to make. The main point I want to make is that we most strenuously and most seriously appeal to this committee that they should cut out the 1890 census. I make this appeal, even though you cut down the quota, because we feel we can not swallow the insult which is in the bill, unconsciously put in there, but it is an insult just the same. The Italians do not like it. The Checks do not like it. The Jews do not like it. The Greeks do not like it. The Hungarians do not like it. The Poles and Russians do not like it. We do not want that our children should always look upon us as inferior citizens. I have a child that goes to school. I am an American and she is an American. I am a Californian. I attended the University of Stanford for two years. Everybody in my community looks upon me as an American and a Californian, and here I am pointed out as an undesirable alien. You refuse to base future immigration on my presence in this country. Why should my country single me out?

Mr. RAKER. How do you figure you have been singled out?

Mr. EDLIN. I have been here since 1891. That means you do not want to base the men coming to-morrow on my presence here, but on the men who came here before 1890. It is an offense to me. What have I done that the country should pick me out, and without making it personal. I have done my share in the country to help it in the best possible way to make it a good country.

Mr. RAKER. That ought to be assumed, but I can not get your viewpoint that there should be any offense to you or to your people for Congress to take a census that would reduce the immigration from other countries.

Mr. EDLIN. If you want to reduce further immigration make it a 1 per cent quota based on the 1910 or 1920 census, but don't make it a 2 or 4 per cent quota based on a census of over 30 years back.

Mr. RAKER. Do you not make any distinction at all that in 1890 there were certain people in the United States that brought the Government up to its then standard, and we could with propriety say, "We will use that census and let people come in according to the number here at that time." Where is there any reflection upon any nationality or any individual?

Mr. EDLIN. We consider ourselves a part of the Government of the United States. We help to create it, and we disagree with you in your opinion as to the desirability of one class of immigrants against other classes. We say they are all taken for better or worse. We came here to do our best and to give this country what we can, and if any group of foreigners has given less than another in the long run this thing equalizes itself.

Mr. RAKER. What would you say as to fixing the quota upon the census of 1920?



Mr. EDLIN. I would think that that would be all right, Mr. Raker.

Mr. RAKER. Of those who were naturalized at the time, since 1920, what would you say as to that?

Mr. EDLIN. That is a question that requires a good deal of study, but it strikes me, Mr. Raker, I do not believe you should base it upon the naturalization, for the reason, as has been pointed out, there are hundreds of thousands, perhaps millions of people in this country who are not naturalized, and not because they do not want to become naturalized, but because our courts—let it be said amongst ourselves—do not make it easy for them to become naturalized.

Mr. RAKER. I saw people naturalized up in your town at the rate of one in less than a minute. There were 150 naturalized in about 90 minutes.

Mr. EDLIN. One has to go through considerable red tape. Maybe a man has lost his record. Sometimes a man can not comply with all the technicalities of becoming naturalized. A man must make a living. Sometimes to take a day off for a man; that is, for a hard-working laborer, forces a hardship upon him. You can never tell the particular circumstances of a certain man, and there are hundreds of thousands of people in this country not naturalized solely because of the red tape involved in getting naturalized, and not because they are not desirous of becoming naturalized.

Mr. SABATH. Is it not a fact when they come into court they have been investigated and examined by the Naturalization Bureau, and the court will take the recommendation of the report, more or less?

Mr. EDLIN. I think so; yes, sir.

Mr. RAKER. That is in large cities like New York and Chicago. In other places they give a thorough examination. They can be naturalized and you find them all over the country.

Mr. SABATH. Can you tell Mr. Raker and the rest of the gentlemen how many applications are on file now and how many thousands of applicants are waiting to be naturalized in the city of New York alone?

Mr. EDLIN. I do not know the exact figures. It is many thousands.

Mr. SABATH. Suppose I would tell you it was close to a hundred and fifty thousand.

Mr. EDLIN. That would really surprise me.

Mr. SABATH. They are waiting to be naturalized.

Mr. WATKINS. You stated you objected to the quota of 1890, because it discriminated against those who came after that time, and you would suggest, because of the inequity involved, that 1910 would not discriminate against anybody who came here since 1910, and would not they object. And then if we placed it on the basis of the 1920 census, would not that discriminate against everybody since 1920?

Mr. EDLIN. No, sir; I will tell you why not. If you base it on the census of 1920, no one would have cause for complaint, because the census is taken every 10 years. That would be all right. Now you can not have a census every year. It is every 10 years. The

point is that 1920 is the last census, and you really should base it on the last census.

Mr. WATKINS. When you get to 1930, you would make that the basis?

Mr. EDLIN. Yes, sir.

Mr. HOLADAY. Do I understand your theory and belief is that any change tending toward tightening or restricting of immigration after 1891, the year you came to this country, would be considered an insult to you?

Mr. EDLIN. No, sir; not the way you put it. We consider it an insult, because we are singled out as undesirable aliens, not the fact that you are trying to regulate immigration.

Mr. HOLADAY. If we go back to 1890, that singles you out?

Mr. EDLIN. Yes, sir; I object to it.

The CHAIRMAN. Supposing we go to the time when every immigrant who came at that time is now dead, 1840; would you object to that?

Mr. EDLIN. Of course we are against it. The unreasonableness of the thing would be so self-evident that we would consider it un-American. I would rather have Congress face the facts and state what it wants to do, rather than do it by subterfuge.

The CHAIRMAN. You do not think that the figure we use was in order to get a highly restricted figure?

Mr. EDLIN. I will say if you want to restrict immigration to certain groups only, you are doing an injustice, because we claim that we have contributed to this country more than our share, and our shares have been of such a nature that no native American who knows what America is can point to us and say that we have not done our best, and that we have not done something which has redounded to the glory of America.

The CHAIRMAN. You are the head of the——

Mr. EDLIN. United Foreign-Language Newspaper Publishers and Editors.

The CHAIRMAN. Have you perfected any organization with foreign-language newspapers elsewhere in the United States?

Mr. EDLIN. No, sir; only in New York City.

The CHAIRMAN. Have you sent out any statements to other foreign-language newspapers to the effect that the Johnson measure is termed insulting, etc.?

Mr. EDLIN. I think there is one newspaper in Hoboken that might have received our communication; no further than that.

The CHAIRMAN. You did not send a statement of that kind to the Jewish Independent of Cleveland, Ohio?

Mr. EDLIN. No, sir.

The CHAIRMAN. You did attend a conference of New York foreign-language newspapers with Secretary Davis, in December?

Mr. EDLIN. Yes, sir.

The CHAIRMAN. You made statements there about the same as here?

Mr. EDLIN. Of the same nature.

The CHAIRMAN. Those statements were put in a newspaper story and sent around to foreign-language newspapers generally?

Mr. EDLIN. I do not know.

The CHAIRMAN. Did you make a statement that you intended to organize the foreign-language newspapers?

Mr. EDLIN. We intend to organize the foreign-language newspaper publishers and editors for the purpose of influencing our brethren, American native-born and foreign, to fight the further restriction of immigration further than is in force at the present time.

The CHAIRMAN. Further than 3 per cent? Are you paid a salary?

Mr. EDLIN. No, sir.

The CHAIRMAN. All voluntary work?

Mr. EDLIN. Voluntary. We have paid expenses out of our newspapers.

The CHAIRMAN. Where were you born?

Mr. EDLIN. Ukrania.

The CHAIRMAN. What language do they speak?

Mr. EDLIN. The Ukranian language. It is sort of Russian. Before the war it was Russia, but after the war Russia was split up.

The CHAIRMAN. Is that the only language spoken in Ukrania?

Mr. EDLIN. The Yiddish language is spoken there. I know that.

The CHAIRMAN. You had a conference with Secretary Davis, and you made a similar protest?

Mr. EDLIN. Yes, sir.

The CHAIRMAN. Did you come to any conclusion?

Mr. EDLIN. What conclusion could we come to? Secretary Davis could not legislate. He is not Congress.

The CHAIRMAN. What is the circulation of your paper?

Mr. EDLIN. Seventy thousand.

The CHAIRMAN. How long has your paper been in existence?

Mr. EDLIN. Almost nine and a half years.

The CHAIRMAN. You are the editor in chief?

Mr. EDLIN. I am the editor in chief.

The CHAIRMAN. Are you a director in the organization known as the Hias?

Mr. EDLIN. No, sir.

The CHAIRMAN. Is your publisher?

Mr. EDLIN. Mr. Weinberg.

The CHAIRMAN. Has he been abroad?

Mr. EDLIN. Yes, sir.

The CHAIRMAN. Did he bring back any reports?

Mr. EDLIN. Yes, sir.

The CHAIRMAN. Did he say anything about the duties of that organization?

Mr. EDLIN. I am not familiar with the details; I suppose he must have mentioned that they are doing work in helping poor people.

The CHAIRMAN. Was he the New York publisher who said if they found a ship big enough they could bring 3,000,000 people from Poland?

Mr. EDLIN. No, sir.

The CHAIRMAN. Did you see that statement in his record?

Mr. EDLIN. No, sir.

The CHAIRMAN. Did you hear anything about confusion in the Hias organization?

Mr. EDLIN. What kind of confusion?

The CHAIRMAN. Have you put any charges in your paper against the Hias organization?

Mr. EDLIN. No, sir.

The CHAIRMAN. About misappropriation of money?

Mr. EDLIN. In the daily?

The CHAIRMAN. In the daily; yes, sir.

Mr. EDLIN. No, sir.

The CHAIRMAN. You keep up with Jewish affairs?

Mr. EDLIN. Yes, sir; I most assuredly do keep up with Jewish affairs, and I have not had in my paper any charge against the Hias organization.

The CHAIRMAN. Have you heard any of them?

Mr. EDLIN. No, sir.

The CHAIRMAN. Have any of the directors resigned recently?

Mr. EDLIN. Not to my knowledge.

The CHAIRMAN. You are not posted about that?

Mr. EDLIN. No, sir.

The CHAIRMAN. You keep up with Jewish news, do you, Mr. Edlin?

Mr. EDLIN. Yes, sir; oh, yes.

The CHAIRMAN. Do you know anything about a sort of passport that is put out of the Hias Association?

Mr. EDLIN. Did you say "passport"?

The CHAIRMAN. An imitation passport.

Mr. EDLIN. What do you mean by that?

The CHAIRMAN. It is some device that enables people to get from Russia around other countries.

Mr. EDLIN. No, sir; I do not know anything about that. I believe the president of the Hias is right here, and you can ask him those questions.

The CHAIRMAN. I will ask him when we get time.

Mr. EDLIN. As editor of the paper, I have not heard about that.

The CHAIRMAN. The publisher of your paper is a member of the organization?

Mr. EDLIN. He is a director of the organization.

The CHAIRMAN. How many Jewish daily papers are in New York?

Mr. EDLIN. There are five daily Jewish newspapers in New York.

The CHAIRMAN. And the editors belong to the Hias organization?

Mr. EDLIN. The Hias organization does not own any single paper in New York City.

The CHAIRMAN. I ask if the editors or publishers, of any one or all of these Jewish papers belong to the Hias organization?

Mr. EDLIN. We do not belong to the Hias organization. Some of our men are directors. Mr. Weinberg is a director of the Hias organization, and so, I believe, is the publisher of the Jewish Daily News.

Mr. CABLE. How many languages and dialects are spoken in the United States if you know?

Mr. EDLIN. I am sorry to say that I can't say exactly, but I assume there are as many as there are peoples in this world.

The CHAIRMAN. You said you considered New York the greatest foreign city in the United States.

Mr. EDLIN. Yes, sir.

The CHAIRMAN. What do you mean by that?

Mr. EDLIN. There are more Poles, Italians, Russians, Jews, Germans, Czechoslovakians, and other nationalities than in any one other single city, more different nationalities in New York City than in any other territory in the world.

The CHAIRMAN. They all get along nicely, do they?

Mr. EDLIN. Yes, sir.

The CHAIRMAN. That is good. Wages are pretty good?

Mr. EDLIN. Yes, sir; I would like to say a word about that, if you will permit me. I notice two gentlemen of the American Federation of Labor are sitting here in this hearing. I know one of them, and I knew him in California. I saw him in labor circles there. He represents a sailors union, Mr. Furuseth.

I believe in this hearing not enough has been said about labor conditions as affected by immigration. I want to say, and I believe it can not be said too strongly, that if there are some of you here, who think that it is necessary to restrict immigration into this country to the smallest possible figure, as you are trying to, because you are afraid that a large influx of immigration would swamp our factories, mines and mills and shops, and would lower the standard of American labor, as far as living is concerned. I want to point out to you one thing that I know myself. I have been living on the East Side of New York for many years. Many of you westerners and southerners have heard of the East Side, and I wish you would come down there and see what a fine place that is, see the working conditions there of foreigners that I would show you, as compared to native conditions in the city: you would be surprised to see what the difference is, and what the contrasts are in the standards of living.

Do you know, gentlemen, that we as a newspaper pay a higher rate of wages to the compositors who work for us and that they work less hours than the native-born English-speaking compositors? We, for instance, pay, I believe, about \$60 a week.

Mr. McREYNOLDS. Others are not available?

Mr. EDLIN. What do you mean by "not available"? In New York City you could get a thousand compositors in a short time if you wanted them. The chief reason for the high standard of living is that the foreign-language compositor comes here to build a home and raise a family. He means to not only live cleanly and decently, but to educate his children and send them to school and to make something worth while of those children.

Then, I would like to address myself to the American Federation of Labor. It is the easiest thing for these foreigners to join in any movement that tends to raise the standard of living. Somehow or other I fail to see the force of the attitude of the American Federation of Labor towards immigration, because so far as I know all of the foreigners I come in touch with have such a fine, high standard of living that it is really a social phenomena in this country.

For instance, you cannot find a better organized class of working people than the tailors, the garment makers, the cloak makers or shirt makers. They are practically all foreigners. They get decent wages for their work and they work short hours: they educate their children: they have fine homes: and I ask, Why should the

American Federation of Labor be afraid of them, when the fact is that these foreigners have a higher standard of living than many of the natives of this country? I say, why should they fear them? The foreigner is open to any effort to raise him up, to make a decent citizen of him. He is not one that likes to remain suppressed and downtrodden.

Mr. RAKER. Do you ever have any strikes among these garment workers?

Mr. EDLIN. Yes, sir; they have strikes; and I want to say this, that of late there have been less strikes than ever, because the labor organizations of the Jews that I know of, and those associated with them in the garment trades, have lately learned a lesson that much more can be accomplished by arbitration than by strikes. So they have had less strikes of late than formerly.

Mr. RAKER. How many are out on strike now?

Mr. EDLIN. I do not think there are any, so far as I know.

Mr. RAKER. You answered a question here that somebody gave you from the audience. I want to call your attention to the fact that for the district of New York for the fiscal year ending June 30, 1923, there were only 44,502 petitions for naturalization filed, in the whole State of New York. Somebody said there were 150,000 petitions pending.

Mr. EDLIN. I said I did not know.

Mr. RAKER. Then, you ought not to be led off by somebody outside making a statement.

Mr. DICKSTEIN. Is that for the Borough of Manhattan? You know there are four or five boroughs in New York.

Mr. RAKER. No, this is for the whole State of New York.

Mr. DIEKSTEIN. There are more than that. There are six or eight thousand in Manhattan, about six or eight thousand in the Bronx, and Kings, Queens, and Richmond.

Mr. RAKER. No, you are mistaken. I have the commissioner's report on naturalization for the whole United States.

Mr. DIEKSTEIN. What date is that?

Mr. RAKER. Why, it is the last report. Then, I want to call Mr. Edlin's attention to the fact that there were 44,502 petitions filed for naturalization, and to show there was no delay, some 33,432 were naturalized. That is not very bad work, is it?

Mr. EDLIN. That is not very bad work. I only say that very many are handicapped.

Mr. DIEKSTEIN. There are very many who are handicapped. I say that there are many people who can not get a hearing.

Mr. WATKINS. (presiding). Are there any other questions from this witness?

Mr. RAKER. Take the other injustices in this bill. Point out the other things that you object to.

Mr. EDLIN. I have told you the main injustices, which you could not justify under any circumstances.

Mr. RAKER. Now, give us the others, so that we can have them before us. You have used the words, "injustice," "inhuman," and "barbarous."

**Mr. EDLIN.** We will show you. Here in section 6, paragraph (h), it says:

If the consular agent or any agent of the United States Government having to do with Immigration shall, for any reason whatsoever, suspect or doubt the truthfulness of the statements made by the immigrant, he may require any steamship company, or its responsible agent, which proposes to transport the immigrant to still further verify the oath of the immigrant, and in addition thereto to put up a cash bond of \$1,500, which shall be forfeited if said immigrant is denied admission to the United States.

Of course, I do not hold any brief for the steamship companies. I do not know how they carry on their business. I do not know what measures of relief they have, but I can say this, that a paragraph of the kind I have read just now puts a great hardship on some immigrant who is worthy in every way to become an American citizen after five years, but who for one reason or another can not furnish you with those evidences that he is a good Russian, or a good Pole, or a good Greek, or a good Italian, as you require; and you complicate matters so that you burden certain immigrants with endless troubles, after the other troubles he has had in getting to the shores of the United States. I say, that does not help the orderly course of immigration.

**Mr. RAKER.** What do you mean by the "orderly course of immigration"?

**Mr. EDLIN.** I mean this: As an American I hold that after all, every worthy man, woman, or child is entitled to be admitted into this country.

**Mr. RAKER.** That is your view?

**Mr. EDLIN.** That is my personal view. If you would ask me, I would say that every man, woman, or child is entitled to be admitted. I agree to that section which keeps out the mentally defective, criminals, etc., but every worthy person is entitled to be admitted to the United States as long as the United States is capable of maintaining him.

**Mr. WATKINS.** Do you include in that the Chinese and Japanese?

**Mr. EDLIN.** I am speaking here on behalf of the Caucasian race, to which we all belong. I do not want to take in those races which do not assimilate readily. Of course, it's a debatable question. I can probably present certain arguments pro and con. But I accept the common understanding of the question.

**Mr. WATKINS.** Do you feel that the white race is better than any other race?

**Mr. EDLIN.** I have been trained to believe and I feel at any rate that after all we have the most advanced civilization in the things we call "civilization." The Chinese, Hindus, and other races do not have those things that we call civilization, and I look upon those people as too far from us for assimilation purposes.

**Mr. WATKINS.** Do you feel that Japan is further down in the scale of civilization than any European country that might be named?

**Mr. EDLIN.** Yes, sir; I could go into details about it, but I do not believe it is necessary.

**Mr. RAKER.** You are in favor of the law excluding the Hindus?

**Mr. EDLIN.** Yes.

**Mr. RAKER.** And denying the right of citizenship to them?

**Mr. EDLIN.** Yes.

**MR. RAKER.** You are in favor of excluding the Hindus and denying the right of citizenship to them?

**MR. EDLIN.** Yes.

**MR. RAKER.** You think the law is all right excluding the Chinese and that they should not be allowed to become citizens?

**MR. EDLIN.** Yes, sir.

**MR. RAKER.** And are you in favor also of passing a law excluding the Japanese?

**MR. EDLIN.** Yes, sir; for certain reasons. I have a high regard for the Japanese people as a nation, but because of various complications, racial and otherwise, I favor a law for their exclusion.

**MR. RAKER.** Would your foreign language papers practically unanimously stand for the exclusion of the Japanese?

**MR. EDLIN.** Yes, sir; practically. We are pleading only for the white population and for no other. We have not discussed the question of other races, except the white race, that is, the Caucasian race.

I want to come back, gentlemen, to the main question we have discussed. I think it is a very important question, and I believe that not enough study has been given to that, and it is worth while on the part of any legislator to give attention to that.

**MR. RAKER.** Before you get onto that. While you were on the inequitable or unjust features of the bill—have you named all of them that are in your mind?

**MR. EDLIN.** Well, in detail—one has been named by Mr. Marshall this morning, namely, that which requires four years for a minister to have had actual practice in his profession before he can be admitted to this country.

**MR. RAKER.** What else?

**MR. EDLIN.** For the very good reason that we want young men and not very old men. And one other instance, and this one reason, to my mind, is very important: In everything that you do in this bill to restrict immigration, you do it in such a manner as to cast a reflection on the honesty of the alien who comes here. You assume that when a man furnishes you documents to prove he is a priest, rabbi, or minister that those papers might be false and not honest, and therefore you require four years of actual practice before he can come here. I say that is not fair.

**MR. RAKER.** Is it fair to require a man to show that he has actually followed that profession and is a member of it and is coming to the United States to follow it?

**MR. EDLIN.** If we allow that a minister or priest or rabbi is an exceptional class, why should we not assume that that person has actually prepared himself for the profession or calling?

**MR. RAKER.** He is no better than anybody else?

**MR. EDLIN.** Is not the man the one who conducts our religious services—

**MR. RAKER.** (interposing) He is no better than anybody else?

**MR. EDLIN.** No better as a man, but yet you assume that a man like this would not falsify. I will assume that all men are honest until proved dishonest. I say that clause in the Johnson bill contains a veiled insinuation that people on the other side do not tell the truth.

**MR. RAKER.** That applies to all of them, does it not?

**MR. EDLIN.** Yes.



Mr. RAKER. From every country?

Mr. EDLIN. Everybody.

Mr. RAKER. Are there any objections to requiring a man who says he is coming over here as a dentist or doctor—

Mr. EDLIN. (interposing). To prove that he is such?

Mr. RAKER. Wise is a doctor. Have you any objection to that?

Mr. EDLIN. What?

Mr. RAKER. To show that he has actually engaged in the profession of doctor or dentist?

Mr. EDLIN. I say it would be better for this country not to assume that people on the other side do not tell the truth.

Mr. HOLADAY. Do you not believe that a young man who has prepared himself for the ministry or the medical or any other profession and who has had four years experience would be better prepared and make a better man over here than if he came without any experience?

Mr. EDLIN. Why, not necessarily.

Mr. HOLADAY. It would not injure his chances any, would it?

Mr. EDLIN. No, perhaps not. I say, I object to that clause, because of the tendency to convey the idea that people on the other side are not reliable and to be trusted; that is a spirit that should not be.

The CHAIRMAN. We have had a good deal of experience to prove that a lot of them are not reliable.

Mr. EDLIN. Suppose a certain percentage are not reliable, are you going to judge them all by such a percentage? There are people in every nation who tend to undermine orderly government.

Mr. RAKER. That treats them all alike and treats them fairly, does it not?

Mr. EDLIN. I would rather have it so that 1 crook or liar might get into this country than to keep out 10 honest people.

The CHAIRMAN. We have had a great deal of trouble for several years because of undesirable people coming in by means of every kind of subterfuge, by false statements as to wives and by false statements as to various professions. If that is the case, would we not be justified in putting that; and then in addition to priests, rabbis, and ministers, known to be such, of prominent religions, a lot of new religions. They seem to turn out headmen overnight in some of the countries of the world.

Mr. EDLIN. As I said before, I am in favor of admitting everybody as long as the country can sustain a larger population, and I am informed that this country is very far from having the population that it ought to have in the territory that it controls.

The CHAIRMAN. Have you made any study at all of the area of the United States that is not tillable?

Mr. EDLIN. Oh, only in a general way.

The CHAIRMAN. What do you think it is?

Mr. EDLIN. I can not tell without looking at statistics. But I know this much: That this country to-day is so rich in natural resources it controls that, notwithstanding we have exploited all these natural resources to a certain degree, there are millions of acres of tillable land and other natural resources that can be developed, many millions of acreage that could be filled with farmers of the soil.

The CHAIRMAN. The best information we can get from the agricultural reports and from other reports is that the area of nontillable

land, meaning mountains and arid lands, and so on, is so great that it is a very great liability to the United States, and that the maximum number of people we can feed on the products of the United States to anything near like the standard of living is about 200,000,000, or just as much again as we now have, which number, at the present rate of increase, apparently would be reached in just exactly 50 years from this month; that is to say, with the present birth rate increasing as it is and the death rate about the same, we will have about 200,000,000 people in the United States 50 years from now, and it will strain the land to produce the food for that many people.

Mr. EDLIN. But, sir, can you not stretch your imagination a bit and see what possibilities there are in the coming 50 years by new inventions and discoveries in all fields to make it possible for a population not of 200,000,000 but of 400,000,000 or 500,000,000 to be fed in this country? Our civilization and progress will make it possible to get out of nature those means that are necessary to maintain ourselves.

The CHAIRMAN. In a thousand years it is well known that we have not discovered any new grains or any new base foods.

Mr. EDLIN. But we might discover means of getting out of our soil more production by means of improved methods. I am quite sure that it is an element that can not be altogether ignored, and while I see you have your authorities, yet I am not sure that 50 years from now you will have reached the limit of population.

The CHAIRMAN. We presume that with the present rate of increasing automobile accidents and the people who will be killed off that the limit of population will be reduced somewhat. [Laughter.]

Mr. EDLIN. I hope not. We know from a speech of Uncle Joe Cannon that Abraham Lincoln said that by the year 1910 we would have a population of 135,000,000 in this country. I do not know exactly where he got that statement, but there are people in this country who 50 years ago expected a much larger population than we have.

Mr. HOLADAY. Do you not believe that in view of the history of the world the struggle for existence in this country will become harder and harder as the years go by?

Mr. EDLIN. I do not know what it is going to be five generations from now. But I trust that our inventiveness, our resourcefulness, our energy and ability—not only of ourselves alone, but of the other peoples on this earth—will somehow or other find a solution for these problems that we are concerned with at the present time.

Mr. HOLADAY. You are a newspaper man. What is your opinion? Will it be easier or harder?

Mr. EDLIN. Easier, sir.

Mr. HOLADAY. For a man to maintain himself 50 years from to-day than it is now?

Mr. EDLIN. Much easier. By a less expenditure of labor and energy he will make a better living than he does to-day.

Mr. HOLADAY. What do you base that conviction on?

Mr. EDLIN. I base my conviction on history; I base my conviction on the development of civilization in the past few centuries.

Mr. HOLADAY. That has not been the history of European nations, has it?

Mr. EDLIN. Yes, sir; it has.

Mr. HOLADAY. It is easier to live in Europe to-day than it was 50 years ago?

Mr. EDLIN. It is not altogether fair to use Europe as an illustration to-day, because Europe after the war is in an unusual condition. But take the Old World before the war, and I say Europe was before the war much easier to live in than half a century ago.

Mr. HOLADAY. Why do they all want to come to America, then, sir?

Mr. EDLIN. Well, I am not sure they all want to come to America. It is an exaggerated statement. They are not rushing here so terribly much. Of course, there are a certain number of peoples who have got to come here, because they have no other means of getting along. One of those classes of people are the Jews. While I do not here represent the Jewish people, yet I edit a Yiddish paper, and I know that because of racial and religious circumstances they have no home anywhere and have got to come to America. Even if they have as good a home as they can get in a country like the United States of America, over there they are persecuted and prosecuted and mistreated. This is the only country that has given them equality and opportunity to live decently and honestly; and I want to point out to you that after all our country has been built up by people who left the Old World on account of religious, national, or political persecutions. Our Pilgrim Fathers came here because they had not a chance to get along in England; they came here of necessity. So also people came from Holland, Germany, Italy, Scotland, Ireland, either because of religious persecution or because of economic necessity. They came here and settled.

So to-day there are people in similar plight; and I want to point out, gentlemen, right here that we often forget that not only to-day is there a sentiment against immigration, but that 50, 60, and 70 years ago in this country, the period preceding the Civil War in this country, there was a greater movement against allowing immigrants to come here than there is to-day.

Mr. CABLE. Just before the war we passed a bill, which was signed by Lincoln, encouraging immigration.

Mr. EDLIN. I don't recall this instance: I think it is very possible, but there existed then a strong anti-immigration movement.

Mr. CABLE. Let me ask you another question. Is it not a fact that until about 1882 they had no restrictive immigration laws?

Mr. EDLIN. Perhaps. But there was always a sentiment against immigration, against the Irish immigration, against the Scotch immigration, and against the German immigration, and immigrants from those countries were called all kinds of funny names, and actually in those days we only got the worst, the poorest, the sickest immigrants. In those days there were no restrictions like we had in 1917. There was always a strong movement against immigration in this country, but at the same time immigration was allowed because it was necessary for the building up of this country.

Mr. CABLE. You mean foreign-speaking people?

Mr. EDLIN. No, sir: foreign-born people in the country, 14,000,000 of them.

Mr. DICKSTEIN. Mr. Chairman, why argue about that?

Mr. EDLIN. I want to answer that question.

Mr. CABLE. He is making a misstatement.

Mr. EDLIN. I do not think I am. If my memory serves me right, we have about 14,000,000 people in this country who were born in other countries.

Mr. HOLADAY. I understood you to say 40,000,000.

Mr. EDLIN. There are 14,000,000 foreign-born people in this country to-day. Since the year 1790, when our country was formed, up until 1920, I believe one-third of the population of America consisted of immigrants solely, men who came here from all parts of the world. So that this country is an immigrant country, and has been all the time. And let me tell you we always needed immigrants to build railroads and canals and other great public improvements which have made this country so rich materially. Let me tell you, gentlemen, we need them to-day. And there need be no fear that they undermine the American conditions of living. You have as proof the high standard of living that prevails in all parts of the country. Take the Hungarian publisher who will address you later. Ask him how much he pays his composers. You will find that he pays them more than Mr. Ochs of The New York Times pays to his American composers.

Mr. McREYNOLDS. Mr. Ochs, you say?

Mr. EDLIN. Yes.

Mr. McREYNOLDS. He is a Jew.

Mr. EDLIN. Yes; but he does not publish a Jewish paper.

The CHAIRMAN. Have you completed your statement?

Mr. EDLIN. I want to make one point, a point that has not been made by anyone here to-day.

I know you gentlemen want to base immigration on the census of 1890, because you believe that you want here a class of people that is more easily assimilated, that is more adaptable to the environment of America. Now, I hold that you are just doing something that will have the opposite effect. I maintain that if you are going to allow the 1890 census to stand in your new law, then the Germans that will come in under your new law will find themselves more difficult to become assimilated Americans than the Italians to-day. Why? Because the Germans have ceased to emigrate to this country for some time, and the Germans in this country to-day are more or less Americanized. In New York where years ago there used to be several newspapers which were wealthy and powerful, there are fewer newspapers and of no great influence. Formerly the German Irving Place theater was the center of art and culture. Whenever anybody wanted to see an artistic production he had to go to that German theater. Now, there are not enough Germans to make an audience.

Mr. RAKER. That is a good thing, is it not?

Mr. EDLIN. Germans if they come now will find a class of Germans here who will not understand, and who will not serve as a means for them to become Americanized. On the other hand, if you have a large Italian population and you bring in new Italians they will become more easily assimilated because of the Italians that are already here. They will find Italian speaking people, and will imbibe more or less little by little, the spirit of America; and the Italian who comes to-day under the present law is more easily assimilated than the German, who would come under the new law.

So, I say it is better from the standpoint of Americanization to have the law of 1910 remain as it is, because I hold that under this law the immigrants that come are more easily made Americans, that these large immigrant groups are more capable of taking care of themselves, of handling themselves, of getting the spirit of America; and that is why it is better to retain the present law.

In general I am for a more liberal interpretation of the present law. Instead of having the immigrant feel that he is undesirable, instead of having him feel that he is in any way looked upon as an inferior being, he should be made to feel that he is a free citizen; that for the first time he is imbibing the spirit which he was not privileged to do in the Old World; and that is why, gentlemen, you should be more humane, more liberal, and treat the alien not as an inferior creature, but as one who has considerable to give to this country and who is part of our society, part of our national asset.

Mr. Box. You complained in your discussion of what appeared to be unnecessary restriction—unfriendly, suspicious restriction.

Mr. EDLIN. Yes, sir.

Mr. Box. You understand this committee has to go by all sorts of information it gets, do you not?

Mr. EDLIN. Yes, sir.

Mr. Box. I want to call your attention to the testimony before the Senate Committee on Immigration, by Mr. Alexander Jackson, who was the immigration agent of the Rock Island Railroad, on pages 329, 330, and 331, of the Senate hearings of 1921, where he testified that he was in Europe developing immigration, that is, inducing immigration, as will be seen by reading his testimony; and that he did that work for 10 years. His statement was challenged, that is, it was pointed out that he was violating the law in behalf of that great corporation. But he was arguing against restriction. I just give you this as a sample of the data that comes to this committee about the character of this immigration and the circumstances under which it come. I read from page 330 (reading):

A large part of these foreign immigrants—

He speaks from knowledge of being over there—

perjure themselves in their declaration that they are not coming to this country under any promise of work or employment or anything else. I have observed this situation for 10 years, and in my judgment 99 per cent of the people who are coming over here know where they are going, and what they are going to do when they come here. They have been primed by their friends, and have really been schooled over in Europe so that they can get by at Ellis Island. They are told before they come over here, "When you get to Ellis Island, you will be cross-examined by sharp people, and if they find any grounds for doing so they will deport you," and so they are schooled how to answer, how to forestall those people at Ellis Island. When a man comes here and is asked where he is going, he will say, "I am going to St. Paul; my boy is there;" or perhaps to Youngstown or Pittsburgh. And they know what they are going to get down to the dollar—

And then he goes on and gives a great deal of testimony to that effect. Now, the chairman has told you that this committee and the Senate committee likewise has a great deal of such complaint as that. If a constant stream of that kind of testimony is coming to us, that kind of information from our administrative department, do you think that, being charged with the duty of due protection of

this country we ought to throw around the law every possible safeguard? Do you think that in view of the great volume of such testimony as this we ought to assume that they are all coming with open frankness, telling the truth?

Mr. EDLIN. Well, sir, it is a complicated question, but I will say it is right and proper for us to take every means to safeguard our country against people who are not desirable. But I say it is not right, it is not proper to complicate the machinery for a worthy person to come here, because if you complicate it, sir, you simply place a premium on dishonesty.

Mr. BOX. But if you were advised that an overwhelming majority of them are committing perjury to get here and doing it under the inducement—

Mr. EDLIN (interposing). I do not think they are.

Mr. BOX. I am telling you what this committee are advised.

Mr. SABATH. Well, now—

Mr. BOX. I am talking, and I do not want any member of this committee to interrupt me. If you are advised that is so, and you are furnished the official documentary evidence, then you know the committee has that kind of information; and the chairman is well supported by the facts when he said there is a great deal of that kind of information coming here.

Mr. EDLIN. I do not know. I do not believe it can be true that so many immigrants would perjure themselves. There may be some, of course, by necessity.

Mr. BOX. And you think this agent of the Rock Island Railroad Co. over there inducing them to come, and training them to come—I will not say he did train them, but he was over there developing immigration, and he was arguing for liberality in their admission—made a prejudiced and false statement against his interest?

Mr. EDLIN. That is true.

Mr. SABATH. If you, as a man, who knows something, an intelligent man, familiar with the laws, wilfully and directly goes out and violates the law of the land and connives in his position to bring in immigrants against the law, who was a violator of the law, would you pay much attention to such evidence or to any statement that such a man would make?

Mr. EDLIN. No, sir; I would pay no attention to it.

Mr. SABATH. Could it be believed?

Mr. EDLIN. No, sir.

Mr. SABATH. Of a self-confessed violator of the law.

Mr. EDLIN. No, sir; and much less being engaged in bringing in contract labor, which is, to my knowledge, contrary to our law.

Mr. RAKER. Let me ask you this question right in that connection: Do you understand that assisted immigration is prohibited?

Mr. EDLIN. Yes, sir.

Mr. RAKER. Under the same law that contract labor is prohibited.

Mr. EDLIN. Yes, sir.

Mr. RAKER. Are you not advised that during the last two years practically 80 per cent of the immigrants who have come to this country were assisted and the money sent to them to come over here by relatives?

Mr. EDLIN. I never knew it was contrary to law for one to help his relatives to come here. Why should not I help my relatives to come here, when it is a lot better for me——

Mr. RAKER (interposing). I was not talking about relatives; I was talking about another thing all together. I was talking about assisted immigration. You have been advised, have you not, that at least 80 per cent of the immigrants who came over in the last two years——

Mr. EDLIN (interposing). Have been contract laborers?

Mr. RAKER. Have been assisted immigration—have been assisted to come over?

Mr. EDLIN. By whom?

Mr. RAKER. By money having been sent to them.

Mr. EDLIN. Whose money?

Mr. RAKER. I did not say by who. Let us get one thing at a time.

Mr. EDLIN. That is important. To my knowledge I know that only relatives send money to bring their immigrants here.

Mr. RAKER. Do you understand that about 80 per cent. if not over, of those who come have been assisted?

Mr. EDLIN. I do not know whether it is 80 per cent or less. I know many have been assisted by their relatives to come here; that is what I do know. As to any other assistance, I do not know.

Mr. RAKER. It is just as unlawful and illegal for a man to send money over to his brother to get him to come here to work on his farm as it is for the railroad to send money over in order to secure an employee? Let us hang right on to that question. Do you understand my question?

Mr. EDLIN. I understand the question.

Mr. RAKER. Will you answer the question, please.

Mr. EDLIN. I will answer it only in my own way.

Mr. RAKER. Well, all right.

Mr. EDLIN. I can say this, that I do not believe that a father who sends for his child can be placed in the same category.

Mr. RAKER. I did not say anything about a child. Do you not know that for a brother living in the United States to send for a brother in a foreign country and to pay his fare to come over here to work for him is unlawful?

Mr. EDLIN. It may be so technically, but I do not think really from any other point of view it is.

The CHAIRMAN. You see the catch "to work for his brother."

Mr. EDLIN. I know most of the immigrants who come to this country, actually come here not knowing what they are going to do.

The CHAIRMAN. I have a telegram which comes from the district which I have the honor to represent. It arrived here yesterday [reading]:

Please prevail on Secretary of Department of Immigration to withhold ruling regarding report from United States Immigration Office, Vancouver, British Columbia. Vancouver office will not allow my brother Andreas, overdue, to enter the United States for the reason that I assisted him in obtaining transportation from Bergen, Norway, to Takoma. Letter will follow.

OLE OBERBO.

You see this boy in the United States assisted in securing the transportation for that brother, and the brother claims he can not get in.

Mr. EDLIN. It is one of those technical things.

The CHAIRMAN. Now, we are caught with that kind of a case where the brother performs that assistance, as well as with all other sorts of cases where associations hand the money around, where people in New York City pay money into an association and even buy tickets and pay a commission on tickets, which is assisting immigration.

Mr. RAKER. Why do you call that "technical"?

Mr. EDLIN. Because, sir, when we make an immigration law which enables a certain class of immigrants to come here, we really do not expect that if one has a brother, sister, or child over there that he wants to bring over here that he is going to withhold assistance from that person coming here. I mean, on the face of it, there is nothing criminal about it. And this has nothing in common with contract labor. However, I always believe in complying with the law.

The CHAIRMAN. We are very much obliged to you for your statement.

Mr. EDLIN. There may be some one else of my committee who wants to supplement by a few words my remarks.

Mr. DICKSTEIN. You have covered the points very well.

Mr. EDLIN. I hope nothing I have said will be taken personally. I have the highest respect for every legislator, regardless of his opinions.

The CHAIRMAN. We think we understand you, and we are much obliged to you for coming here.

Mr. DICKSTEIN. Judge Rosenblatt, of New York City, of the American Jewish Congress, will take five minutes.

#### **STATEMENT OF JUDGE BERNARD A. ROSENBLATT, REPRESENTING THE AMERICAN JEWISH CONGRESS, NEW YORK CITY.**

Mr. ROSENBLATT. Mr. Chairman and gentlemen of the committee, I am not here to deliver a speech. I am here to bring you back to earth from the sociological discourse of the last hour. I want to bring you back rather to fundamental principles, as I see them, contained in the addresses of Mr. Marshall and Doctor Wise. I want to touch only upon two points that, to my mind, are fundamental. I am not an expert on immigration and I do not claim to be an expert on Americanization.

I want to refer to what you might call the legal and moral aspect of a single date in your proposed bill—the date of 1890. I do not want to attempt to be humorous about it, but the fact is that if you allow that date to stand, it seems to me that you bring into American legislation a new thought and idea of classification by indirection, and I want to apologize if any one mistakes the word "indirection." I know this is not the intention—but I am looking at the result—that will mean a stratification of our citizenship. In all these cases if you carry the point to absurdity, you will get the real factor of significance. Suppose instead of 1890—and I do not know



why that is such a charmed date in our history—suppose we select 1850. You do a very simple thing; you cut out Irish immigration and German immigration. Suppose you go back, as Mr. Marshall suggested to 1790, and you will cut out the ancestry of at least—I am speaking from memory—of ten or twelve Presidents of the United States, including President Wilson, President McKinley, and quite a few others.

The CHAIRMAN. Let me interrupt you just a minute there.

Mr. ROSENBLATT. Yes.

The CHAIRMAN. I had a memorandum here for the consideration of the previous bill in the effort to find the census date by record vote on the date 1890, 1900, 1910, and 1920; and that year was arrived at by a vote of the committee. The committee voted on 1 per cent on one or more of those particular census dates; on 2 per cent on one or more of those particular census dates and 3 per cent. The committee has voted on the proposal to fix the base quota at 100, 200, 300, 400, 500, and 600; that is to say, you wonder why that figure comes in. It comes in by proposals and the voting of it down from this or that proposal until all are eliminated except one, and that will happen wherever men try to fix an arbitrary figure.

Mr. ROSENBLATT. Yes, but, Mr. Chairman, you will pardon me if I make this comparison. I hope it is not the result of what we get sometimes in the courts of law, where a jury fixes upon a compromise in order to get at a result, and usually it is not a just result, as you probably know. I merely want to add one word to show this thing and bring it to a head:

You go a little back, then, of 1790 and you would have only Anglo-Saxons and negroes, and if you went back to 1600 you would exclude everybody but Indians.

I say that is not a fair way to test a date. It is not what I would expect from an American Congress, frankly. If you want to attempt to fix the scale of immigration of southern Europeans to a minimum, it ought to be said so; it ought not to be fixed behind the date of 1890; and it seems to me that a wiser and better and fairer way of viewing this whole thing, if you want to restrict immigration—restrict it without discrimination. I would rather have, much as I might object to a restricted immigration, a 1 per cent quota for 1920 covering everybody equally, without discrimination. I am not advocating it; I am not here to ask you for a restricted immigration. But as an American, not speaking for immigrants, because I want to preserve equality before the law, even before a man is a citizen, I would rather have provision of that kind applying equally to all countries than any such discrimination, as must be implied in the date of 1890.

It seems to me the same application might be made to the alternative suggestion about immigration based upon the naturalization figures of the year 1910. Naturalization itself is already a handicap, because it requires five years before the man becomes a citizen at best, no matter what his intention may be. Doctor Wise's father had to live here five years, even if he did imbibe the spirit of Abraham Lincoln before he came here, before he could become an American citizen.

So, in essence, that already is a discrimination. In other words, when you fix 1920 as the date—and that is the only logical date for any subsequent law—there is a reason for that. The moment you

fix the last census everybody understands that we can not possibly take the subsequent census of 1930; you can not take to-day's date. You must go upon certain figures. When your last law was passed, as I understand it, the 1920 census being unavailable, you took the 1910. It seems to me that any subsequent law must be based on the census of 1920.

May I refer for one minute only to the fear that Judge Raker expressed about communists? I happen to have presided in a criminal court in the city of New York, where some of the famous socialistic and communist cases came before me, and I talk from experience when I tell you that in nine cases out of ten they were laughed out of court, and that, as a matter of fact, it is usually the case of an immature mind. Doctor Wise was perfectly right when he said that the influence of America immediately produces a change in those very opinions on communism that some of the members of this committee seem to fear so much.

Let me give you two or three instances. The name of Charles P. Steinmetz has been mentioned here. Steinmetz came into this country as a communist, a radical, a Socialist. What did he do? What was the result of his labor? The greatest result is the building up of one of the largest and wealthiest corporations in the United States, the General Electric Co. Irrespective of the opinions to which he held, he was a candidate for surveyor on the Socialist ticket in New York and he received more votes than any other Socialist candidate, because a great many capitalists voted for him, and they did so irrespective of what his opinions were or what his words might be. They voted for him because of the fact that he was building up capitalism. That is the story of Steinmetz.

Let me give you another example. Pulitzer. The old Pulitzer, editor of the New York World, came into this country as a Socialist, a communist, and he was such a hot communist that he left St. Louis and came to New York and was going back to Hungary to fight for communism, when he changed his mind and bought the New York World from the Gould interests and built up one of the greatest democratic newspapers in the country.

The CHAIRMAN. You do not mean to say he ran a communist paper in St. Louis before he purchased the New York World?

Mr. ROSENBLATT. No, sir. This was after he came to New York on his way to Hungary. At the last minute he decided to stay here. Now, the fact is this, and it is very interesting: These people who remain in America, irrespective of their opinions about communism—and they are very small in number—they become good Americans. But the man who does not stay here, the Trotzky, for example, he goes back to start a revolution in Russia.

Mr. Box. You have read the estimate of our Department of Justice as to the number of people in this country who are trying to subvert the Government?

Mr. ROSENBLATT. Yes, sir.

Mr. Box. Don't you know it is more than 20,000?

Mr. ROSENBLATT. I think it is guesswork. I do not think it is anywhere near 20,000.

Mr. Box. Don't you know that they estimate it at above 100,000?

Mr. ROSENBLATT. Well, anything that the Department of Justice has done since the war—now, I am speaking very frankly and this

is a personal opinion; I am speaking with all the solemnity of this occasion, as an American—anything that the Department of Justice has done since the war in the cases of communists and anarchists deserves very careful investigation.

Mr. BOX. Would you not think that the Department of Justice of your own country would be entitled to as much consideration as a single newspaper in New York?

Mr. ROSENBLATT. No; much more.

Mr. BOX. Did not the statement you rely on purport to be based on somebody's recollection of what they read in one of the New York newspapers?

Mr. ROSENBLATT. I do not think so.

Mr. BOX. Was it not so stated here to-day?

Mr. ROSENBLATT. Oh, you mean about the 20,000?

Mr. BOX. Yes.

Mr. ROSENBLATT. I did not see the statement of the 20,000 and I did not see the statement of the Department of Justice of 100,000. I simply say that we have had a little hysteria since the war, and whatever a subordinate says about communists ought to be taken with a great many grains of salt.

Mr. RAKER. Judge, you are not in favor of admitting anyone to the United States who is a communist and believes in the communistic doctrines advocated by the Third Internationale, are you?

Mr. ROSENBLATT. No, of course not. I can not make that too emphatic.

Mr. RAKER. Why, sure. You think they ought to be excluded, do you not?

Mr. ROSENBLATT. I think, on the principle of your definition of communism, they certainly ought to be excluded. To be perfectly frank and fair with you, I do not think you are going to exclude, under such a rule, the worst types, because the man who is willing to overthrow the Government is perfectly willing to perjure himself in order to get into the country.

Mr. RAKER. But you overlook the fact that if he is a member of that organization before, that would exclude him?

Mr. ROSENBLATT. I would so advocate.

Mr. RAKER. Well, that would exclude him irrespective of what he swore to?

Mr. ROSENBLATT. He might not admit it. You might not discover it.

Mr. RAKER. But if we have discovered it, your judgment is that he ought to be excluded?

Mr. ROSENBLATT. Absolutely. Wherever you have a record of a man being a member of a society pledged to the overthrow of our Government, or any civilized government, that passes at least our judgment as a civilized government, I would entirely favor his exclusion. But I do not believe you will exclude the most dangerous men in that way because they will get in in any event.

Mr. RAKER. Now, if a man of that kind is in, and you have the law, and if you know that he is preaching his doctrine, he should be deported and we would get rid of him very rapidly?

Mr. ROSENBLATT. I think so.

Mr. RAKER. Then ought we not to do it?

**Mr. ROSENBLATT.** I have a very strong opinion on free speech. I think if you allow a good deal of free speech it leaves much less opposition than you would imagine. I think the deportation of a man who delivers his opinions freely, particularly the young men of immature minds, would create an ill will, whereas if you let a man talk his head off, the way they let them do in Hyde Park, London, it strengthens our institutions. However, that is my opinion.

**Mr. RAKER.** Well, talking his head off is one thing, and we are through with him when he does that, but I am talking about the fellow who organizes and has his association under cover, after dark, with doors locked and barred, with a guard outside, getting his friends in there, and other people, advocating and inculcating them with the principles that you should destroy people's property, that nobody should own property, that you should overthrow this Government. Do you think we ought to get rid of him?

**Mr. ROSENBLATT.** Yes.

**Mr. RAKER.** There is quite a difference between that man's action and a man getting on a soap box or going out in Hyde Park or some particular square and talking.

**Mr. ROSENBLATT.** Yes. May I say this, Judge Raker, and I do not want to get into a long discussion; I want to finish it in one or two sentences. I call your attention to one of the very famous cases which got on the first pages of the newspapers in New York some time ago and involved a definition of the anarchy law of New York. Since I am out of the jurisdiction of New York I can criticize that law as a very bad law, anyhow. It would not be passed to-day. It was passed in the days after President McKinley was shot, and I can understand the hysteria that prompted the passage of a very strong anarchy law at that time. In this case to which I refer there were brought before me three young men, one 19 years old, one 21 years old, and another still younger, charged with the high crime of anarchy. They were taken at the Pennsylvania station. One man carried a suitcase which he had brought from Pittsburgh, containing papers denouncing the Government in general terms, such as, "Workingmen, arise!" The district attorney's office at first was disposed to look upon it as a very serious matter. After we went into the matter we found that one of them was a musician of very high standing, and who knew very little about the Government, who was carried away by the hysterical cry of the communist. "Everybody equal pay!" and so on. Another was a fit inmate for an institution, and I think he was committed afterwards. The third was simply an unimportant youth who thought he was a great socialist and he was going to revolutionize the world. After a hearing, and in spite of even the strictest interpretation of the law, the district attorney could not get a conviction. That is what I want to submit to you to-day. That story was carried in the headlines somewhat like this—"Three men about to subvert the Government of the United States." I tell you that any investigation by any committee of yours would have found that this was simply a childish, immature attempt on the part of three men who thought they could revolutionize the world, who were printing pamphlets, "Workingmen, arise!" and that the whole episode did not mean anything. The dis-

strict attorney practically conceded it. It seems to me we ought not to be carried away by our so-called fear of the overthrow of our Government. I have not the slightest fear of it. We are too strong and too well beloved among all the people, foreign born as well as native born. I have no fear of the few hare-brained radicals that you will find anywhere in any country.

Mr. RAKER. The imbeciles, the ones that are not fairly matured, would not go very far, but they ought to be taken care of.

Mr. ROSENBLATT. They were taken care of in this case. One was excused on the ground that he was a good musician and was attending to his business. The other was committed.

Mr. RAKER. And they did not publish any more stuff?

Mr. ROSENBLATT. No. There was a reference made in the committee to the fact that if we had no immigration we would have just as large a population. I happen to be at least an amateur student of sociology and I think the first time I came across that statement was in a quotation from Walker, who was head of the census bureau in Washington, who made a calculation on the basis of the 1790 figures that if there had been no immigration, by the time we reached 1890 we would have had the exact number of population that we have today, or a very small difference. It is all hypothetical, and he admits that what is not taken into account is what the foreign born, the immigrants, have done in America to make America more productive. One Steinmetz, for example, has made it possible for hundreds of thousands of immigrants to come in here. The statement has been made that he enriched this country by as much as \$100,000,000. One Pupin has made it possible for hundreds if not thousands to come to this country and obtain work.

Now, it seems to me that in such a complicated situation the only thing we can do is to go by the past, and the record of the past is that wherever there is opposition to a certain class of immigration, with the exception of the Asiatic—and I believe Doctor Wise handled that point in a very thorough manner—it creates ill feeling and a sense of injustice. I am not classifying them, and as far as I know the Japanese may be superior to a great many of the European races, but the fact is that when you talk about the races that built America you are talking about the races of Europe, the white races; we are talking about—and perhaps this ought to be the test, and I think it is the test of your committee—races that can be assimilated. The moment you have a race that can not be assimilated it has to be dealt with in another way. When you have races that are to be assimilated in this country, they ought to be treated on an equal basis. That is what interests me the most and that is what I am here for. But whatever else your committee does, let not the thought go out that there is even any unintentional attempt to discriminate against one class of people or another coming into America. Let it be on an equal basis; let it be on an equal percentage.

**STATEMENT OF MR. GEDALIA BUBLICK, EDITOR OF THE JEWISH DAILY NEWS, NEW YORK CITY.**

The CHAIRMAN. You are editor of the Jewish Daily News?

Mr. BUBLICK. Yes, sir.

The CHAIRMAN. How long have you held that position as editor?

Mr. BUBLICK. For 10 years.

The CHAIRMAN. Have you always lived in the United States?

Mr. BUBLICK. Yes; since I came here 20 years ago.

The CHAIRMAN. You came here 20 years ago from where?

Mr. BUBLICK. I came from Argentina. I was born in Russia.

The CHAIRMAN. We will be glad to hear your statement. Is your paper published in English?

Mr. BUBLICK. No, sir.

The CHAIRMAN. In what language?

Mr. BUBLICK. It is in Jewish, but it has an English department. It carries that all the time. My paper is 40 years old.

The CHAIRMAN. What is its circulation?

Mr. BUBLICK. Sixty thousand. Now, the chairman of this committee has stated that he is far from entertaining race prejudice. Nobody has leveled that charge against the chairman or against any member of this committee, but this bill that is before us, is a bill of discrimination based on race prejudice, and I am going to support my contention, not by delivering to you a speech of my own but by statements which I have here. Now, the Commission of Immigration, created by an act of Congress in 1907, came to the conclusion that the problem of immigration should be considered primarily as an economic problem. It seems that we have departed from that standard. These new restrictions are not based on economic grounds; they are based on race prejudice. In the report of the Commissioner General of Immigration for 1923, on page 3, he says:

That while the lawmakers were deeply concerned with the mental, moral, and physical quality of immigrants, there developed as time went on an even greater concern as to the fundamental racial character of the constantly increasing numbers who came. The record of alien arrivals year by year had shown a gradual falling off in the immigration of northwest European peoples, representing racial stocks which were common to America even in colonial days, and a rapid and remarkably large increase in the movement from southern and eastern European countries and Asiatic Turkey.

It is clear now why this change from the basis of the census of 1910 has moved backward to the basis of 1890. It is very clear, and it becomes more clear when we look at this book, which is the Bible of the restrictionists, "Why Europe Leaves Home," by Kenneth L. Roberts. On page 47, in commenting on immigration, he says:

Practically all immigration to America prior to 1880 was composed of people of the Nordic race—the tall, blond, adventurous people from the northern countries of Europe; from Sweden and Norway and Denmark and England and Scotland; from certain sections of Germany and Belgium and Ireland and France and Holland. The Nordic people possess certain characteristics: They have long skulls and blond hair—hair, that is, which is lighter than black; they possess to a marked degree the ability to govern themselves and to govern others; and from their ranks have been recruited the world's voluntary explorers, pioneers, soldiers, sailors, and adventurers. The early colonists of every undeveloped country in modern times have invariably been Nordics. America, then, was a nation of Nordics. Since 1880 the bulk of immigration to the United States has been composed of people from the other two main races of

Europe, known to biologists and ethnologists as the Alpine race and the Mediterranean race. The Alpines are the stocky, slow, dark round-skulled folk who inhabit most of central Europe and whose chief representatives are the large part—not all, but the large part—of the different Slav countries, the Czechs, the Poles, the Slovaks, the Russians, the Ruthenians, and so on. The Mediterraneans are the small, swarthy, black-haired, long-skulled people which form the bulk of the population in southern Italy, Greece, Spain, and the north coast of Africa.

Now, we, the citizens of America who are from the stocks which are not Nordic, feel that this bill is a discrimination against our races, against our ancestors, against our position in American life. We feel that it is just in the same spirit as the laws of the Russian Czars in dividing the population between desirables and undesirables.

The CHAIRMAN. Now, let me ask you a question. Are you familiar with those various countries over there in central Europe?

Mr. BUBBICK. I've just returned from a three months' stay in Europe.

The CHAIRMAN. Don't they quarrel a good deal and disagree? Don't they have trouble all the time? Don't those various little countries in central Europe always seem to be in trouble?

Mr. BUBBICK. The trouble is in a political way. They do not have trouble as citizens between themselves. I will say that, if you go to Budapest—and I have been there—or Bucharest or to Vienna, or to any other similar city over there, you will be just as safe at all times of the day or night as you would be here, almost more so than in any city of the United States. You will not be molested. Of course, they are quarreling because of this division of Europe according to the Versailles treaty; that is, they are not clear yet as to just what their political situation should be. They are forming now the Little Entente, which is being encouraged by France, and other things of that kind are being done. I say, and I maintain, that the people who come from all those countries are as law-abiding as any native citizen of the United States coming from the most Nordic stock, from the Puritans.

The CHAIRMAN. Now, what would you do, trying to be perfectly fair, if you got a report from Bucharest, from a Russian newspaper dated November 10, 1923, as follows: "Bucharest: Out of a number of 6,000 Jews who should have been sent back to Soviet Russia, 3,000 have been allowed to remain in Bessarabia for a period of 9 months; that is, until the opening of the next United States quota. The remaining 1,500 will be sent to Argentina and Uruguay." What does that mean?

Mr. BUBBICK. Let me understand your question?

The CHAIRMAN. Well, here is a report that 6,000 Jews came from Soviet Russia and got into Bessarabia and they were ordered sent back. Then the order was rescinded so that 3,000 might stay in Bessarabia and get a chance to try for the next quota to the United States, and 1,500 were sent to South American countries. Now, has the United States a right to pay any attention to that kind of a report? Is it any concern of the United States whether they come from Bessarabia or Russia?

Mr. BUBBICK. I do not see it.

The CHAIRMAN. It makes no difference?

Mr. BUBBICK. They are refugees. These people are refugees from the war.

The CHAIRMAN. How many refugees are there in the world now?

Mr. BUBICK. I do not know, but I surely know that these people are all refugees, citizens of the former Russian Empire. They are anti-Bolsheviks. That is their only fault. They were driven across the Dniester by the Bolsheviks. I saw them when I was in Bucharest. They would be readmitted to Russia to-day if they accepted Bolshevism. They suffer for their convictions.

The CHAIRMAN. Did you go over for the association known as the H. A. I. S.? Did you go over for the Hebrew aid?

Mr. BUBICK. No, sir.

The CHAIRMAN. Are you a director in that organization?

Mr. BUBICK. No, sir. I have no connection with it.

The CHAIRMAN. You have never been a director?

Mr. BUBICK. I have never been a director.

The CHAIRMAN. You have never been a member?

Mr. BUBICK. I have never been a member of it.

The CHAIRMAN. Is anybody on your paper a member of the Hebrew Shelter and Aid Society?

Mr. BUBICK. Yes, one of the publishers of my paper is.

The CHAIRMAN. What is his name?

Mr. BUBICK. His name is Mr. Kamaiky.

Mr. RAKER. What language did you say your paper is published in?

Mr. BUBICK. In Yiddish, and we carry an English department daily.

Mr. RAKER. Have you read a letter that was sent over from the Russian people, the Third International, lately, to the workers in Chicago, within the last month?

Mr. BUBICK. You mean the letter that was referred to by Secretary Hughes?

Mr. RAKER. Yes.

Mr. BUBICK. Yes.

Mr. RAKER. Do you think the communist who believes in communism and who teaches and acts and preaches the doctrines of the Third International should be admitted to the United States?

Mr. BUBICK. No, they should be rejected.

Mr. RAKER. You would exclude them?

Mr. BUBICK. I would exclude them, absolutely.

Mr. RAKER. Irrespective of what their business might be, whether a man is a doctor, lawyer, farmer or merchant?

Mr. BUBICK. Irrespective, yes.

Mr. RAKER. You would keep them out?

Mr. BUBICK. I would keep them out. If they are members of the Third International they should be kept out of this country. That is my belief.

Mr. RAKER. Well, I am through.

Mr. BUBICK. Let me explain further to the judge who asked me those questions, that because I am an anti-Bolshevik I was not allowed to go to Russia. I wanted to go to see with my own eyes, but I could not get a permit, because they knew in Moscow that I was an anti-Bolshevik and I could not get a permit to go to Russia.

Mr. RAKER. I am in earnest in asking these questions. We have excluded the sabotagists, we have excluded the anarchist, but we are



letting come into this country of ours lecturers and doctors and professors, and others, who believe in communism of the highest type practiced by the Third Internationale, which means that they would destroy this government if they had a possible chance.

Mr. BUBBICK. You can not bar a person only on the charge of his "belief." But if it is shown that a certain individual is a member of the Third Internationale, or advocates it, he should not be permitted to come to this country.

Mr. RAKER. And if we found those fellows in the United States who are not citizens, advocating and preaching that doctrine, you would exclude them, would you not?

Mr. BUBBICK. Surely.

Mr. RAKER. And you think we ought to amend our laws so as to exclude them?

Mr. BUBBICK. Yes, sir. That is my belief.

Mr. RAKER. That is all.

Mr. BUBBICK. Just one word further. I would like to make it clear that in the consideration of this bill we are more concerned with the immigration side of the question on this side than on the other side of the water. We protest against this bill as Americans because we feel that, much as it injures those people who want to be admitted to this country, it is a thousand times more injurious to America.

The CHAIRMAN. You think it would disturb the naturalized and alien population?

Mr. BUBBICK. It would bring a state, I would not say of war, but of hatred.

Mr. SABATH. Resentment?

Mr. BUBBICK. Resentment. It would set neighbor against neighbor, friend against friend, one against the other, because the stigma of a low race would be stamped upon them. I see it already stamped upon my face, and I do not want it for myself, nor do I want it for the Italians, because the Italians have given us Michael Angelo and the Renaissance and many other great things. I am against it, and I am sure I speak for all the 60,000 readers of my paper; and I think I can speak for the three and a half million Jews in the United States, although I have not consulted them—all the Jews.

Mr. RAKER. How do you reason that out, that it affects the Jews?

Mr. BUBBICK. Not only the Jew, I said.

Mr. RAKER. Just a moment: How do you reason it out that it affects the Jews, when they can come from England and Scotland and other countries in large numbers to this country, because we make no reference to the Jews, but simply designate the countries from which the immigrants come? Now, those countries, England, France and Germany, where the Jews are living in many thousands, can send them to this country.

Mr. BUBBICK. But I am not speaking of those countries.

Mr. RAKER. I say they live there and they can come if they want to.

Mr. BUBBICK. But I am speaking for the Jews as a race. I say that this bill shows that there are certain races which would be stamped as low races. That is what I have shown here by the report of the commissioner of immigration. But as to your question,

why do I mention the Jews? There was mention made here by Mr. Marshall of the book *The Passing of the Great Race*, by Mr. Grant, who is the discoverer of this race business. He is the Moses of race hatred in the United States.

Mr. RAKER. That was facetious on Mr. Marshall's part; he was only facetious, because he has not referred to the history of the English people.

Mr. BUBBICK. Yes, Judge, but there was a gentleman who read from this book of Madison Grant, *The Passing of the Great Race*. to the committee, and I think you will allow me to read two or three lines of Grant as quoted by Roberts.

Mr. RAKER. That is Kenneth L. Roberts's book?

Mr. BUBBICK. Yes. Mr. Roberts says: "That every American who has at heart the future of America and of the races that made it a great nation owes it to himself and to his children to get and read carefully '*The Passing of the Great Race*,' by Madison Grant."

Here is a quotation which Mr. Roberts gives from Grant:

The Polish Jews, whose dwarf stature, peculiar mentality, and ruthless concentration on self-interest are being engrafted upon the stock of the Nation.

He even does not want us to assimilate. That is the new doctrine, but it is not an American doctrine.

Mr. RAKER. Let us take the two articles together.

Mr. BUBBICK. Let me read a few more lines of Grant:

The man of the old stock is being crowded out of many country districts by these foreigners just as he is to-day being literally driven off the streets of New York City by the swarms of Polish Jews.

That is real race prejudice, I say. Then he continues:

These immigrants adopt the language of the native American, they wear his clothes, they steal his name, and they are beginning to take his women, but they seldom adopt his religion or understand his ideals.

So that we are face to face with an issue raised in these United States, that there are men who speak the American language and who are Americanized even to the point of intermarriage, but they are not Americans because "they seldom adopt his religion or understand his ideals."

The CHAIRMAN. Now, why do these people change their names? Why did this man with some "sky" to his name try to change it, by some order of court, to "Cabot"?

Mr. BUBBICK. I will tell you why. Because it is very difficult for a native American to spell his name; because a man does not like to have to tell somebody twenty times how to spell his name. It is very easy to understand why it is done. If my name was Woytzechovsky, I would change it, because I would not want to carry that name in business.

The CHAIRMAN. But if you were going to change it, would you pick out the name of one of the families well known in the beginning of American history?

Mr. BUBBICK. I do not know what I would do. I would probably change it to "Johnson," as one gentleman has suggested, because it is a very fine name.

The CHAIRMAN. There was a little couplet that ran all around New England, that the Lodges spoke to the Cabots and the Cabots

spoke to God, but they have added to it, that the Lodges speak to the Cabots and the Cabots speak Yiddish to God.

Mr. BURLICK. I do not know about that.

The CHAIRMAN. That was done since this man went into that family by having the court give him the name of Cabot. Now, you think they change their names entirely on account of the difficulty in spelling them in English?

Mr. BURLICK. Absolutely so. I am convinced of it, because it is a very great hardship to tell a man in business and on the telephone how to spell your name, and if people are business people they want to shorten it.

Mr. RAKER. Now, let us slip off of Kenneth Roberts' book for a while.

Mr. BURLICK. Yes, he is already discarded.

Mr. RAKER. Let us get down to a man who was born in Italy, who lived in Italy and who came over here and has now become a citizen of the United States, speaking as an American citizen, although an Italian—Speranza. Have you read his two articles in the November and December numbers of the *World's Work*?

Mr. BURLICK. Yes.

Mr. RAKER. What do you say to his reasoning?

Mr. BURLICK. About his reasoning? I say that this race prejudice, this wave of hatred of man against man, even teaches people who came from certain stocks in the beginning, to hate themselves. There were so many things said against people of Mediterranean extraction! I consider the writer of these articles a very low kind of man, because if a man can speak in the way that he speaks against the Italians, I say he is a very low kind of man. That is the spirit which is behind this movement, and not only will this bill bring about a condition where neighbors shall hate each other, but where brother shall hate brother and son shall hate father.

Now, we can judge about discrimination, gentlemen, because we come from countries of discrimination and discriminatory laws. We understand it, although we know that a law of discrimination is not headed "law of discrimination." Oh, no, it is not in the headlines of the law, but it is between the lines. We know what discrimination means. Once you have entered upon it, right there you are following in the way of Russia, following in the way of Ignatov, who was an official of the Russian Czar and who formulated that terrible law against the Jews and against certain kinds of Christians, Seventh-Day—

Mr. DICKSTEIN. Adventists.

Mr. BURLICK. Yes; I mean Seventh-Day Adventists. Once America enters upon this way of telling a man that in his veins runs the blood of a low race, then I say America is not America any more. No man has a right to say to me that because in my veins runs the blood of Moses and Isaiah, therefore I am of a low race, because I am not a Nordic. I am not a Nordic, nor am I striving that my children shall be Nordic, but I am an American, loving America and being ready to do for America what any other American of Puritan or native stock, may do. And furthermore, I venture to say that I love America more than the Lodges and the Cabots together, because they were born here. It is not a great thing to be born here in

Massachusetts, but I, with great hardships, strove to come to America. I even had to go to the border without a permit, because the Russian Czar did not give any permit, in order to get to America. And I loved America when I was a child; I knew American history better than Russian: because America was to us not only the land of freedom, it was to us the cradle of the new civilization, the new civilization of brotherly love, of equality among races. We knew that America stood for the principle contained in her Declaration of Independence, that all men are born equal.

Now, some gentlemen want to do away with all that by an act of Congress and create a new America, with no equality, and they say instead that the man of the Mediterranean race is not born equal to the man of the Nordic race. Read what this man says: he wants only men with long skulls and blond hair, and he says that if a man has a different kind of skull and a different kind of hair he is not going to like America, and therefore we do not want him. That is the principle underlying this bill as well as any other bills, as well as this proposition of registration. Everybody who can read and who is familiar with this current literature, this new literature which will remain a shame to America in her history, because I believe America will come again to its own—this kind of literature like that in the *World's Work*—

Mr. RAKER (interposing). Let me give you the name of the man who wrote that article—Gino Speranza.

Mr. BUBBICK. Yes; I know it—Speranza. Then there is Mr. Burton Hendrick writing in this journal.

Mr. RAKER. Have you overlooked the fact that the editor of this magazine, the *World's Work*, in an editorial on page 1 of the book, indorses what Speranza says?

Mr. BUBBICK. Of course, he agrees with Speranza. If not, he wouldn't print his article. I could tell you more than that. I am sure that the editor went out of the way to look for an Italian, in order to find a traitor so that he could write his article.

Mr. RAKER. Do you think this man Speranza is a traitor for writing this article?

Mr. BUBBICK. Absolutely, if he stamps his race with the stigma of inferiority.

Mr. RAKER. He does not stamp his race as inferior.

Mr. BUBBICK. Yes; he does.

Mr. RAKER. Just a moment. You will concede for the sake of the argument that the United States Government was established by people of northern Europe?

Mr. BUBBICK. Yes.

Mr. RAKER. England and Scotland?

Mr. BUBBICK. I have a great respect for the Anglo-Saxon people.

Mr. RAKER. And that for 75 years they continued and formed this Government, and even went through the Civil War, before practically any of these other races came here?

Mr. BUBBICK. Yes.

Mr. SABATH. Oh, no.

Mr. RAKER. Well, it is true. The witness says it is true.

Mr. SABATH. You know and I know that there were people of other nationalities here then.

**Mr. BUBLICK.** Everybody knows that Columbus was not a Nordic, and he had something to do with America. It is said that the first white man who stepped on the soil of America was a Jew from Spain.

**Mr. RAKER.** Let us complete this subject.

**The CHAIRMAN.** We can not fight these problems here.

**Mr. RAKER.** What I want is the very thing you have been presenting, and I think now you will concede, from your long study, that the kind and character of government established in the United States was different from the government of the Mediterranean States and of eastern Europe? That is right?

**Mr. BUBLICK.** The kind of government that was established in this country?

**Mr. RAKER.** Yes.

**Mr. BUBLICK.** Yes.

**Mr. RAKER.** And those people over there have been thinking, living, and working with different languages and different ideals and thoughts for over 2,200 years? That is right, is it not?

**Mr. BUBLICK.** No. I would like to answer that.

**Mr. RAKER.** Then answer it.

**Mr. BUBLICK.** I say that in this civilization which was brought over from England and the other Nordic races now here, there was more than three-fourths taken from races which are not Nordic. I say, for instance, that the civilization of England was based upon the Bible, upon the translation of the Bible which was made in the eleventh century, before the King James translation, and I say that the basis of the English civilization, taking in religion also, was taken first from the Jews of Judea, and second from the Greeks, and third from Rome. Therefore I say that in America the people who come from Greece or Rome or from the Mediterranean are as good partners to all of this civilization as the others.

**Mr. RAKER.** I have not made any statement to the contrary.

**Mr. BUBLICK.** Let me just answer your question.

**Mr. RAKER.** I was trying to get your view of this article, that different forms of government, different modes of living, different thought and different action, giving them every credit on earth for being a wonderful people, all of them, we have here now many millions who are unnaturalized, who are speaking their own language, and living in mass settlements. I am asking you now, as an American citizen, whether or not it is not better that we do away with the mass settlement and permit those that are here to assimilate themselves to our form of government and our form of language, so that there will be but one language in the United States? Is that right?

**Mr. BUBLICK.** I will answer that question by saying that mass settlement is a very natural thing; that mass settlement dissolves itself. It is not necessary to tell a man he must go away to a far place, go out from his settlement to new people to make his living. I can not see any harm to America in allowing this mass settlement. Theodore Roosevelt said on the day I arrived in America, in 1904, on the east side: "I say that the best American citizens are on the East Side, because they bring their idealism with them; because they love America they are willing to sacrifice everything for America." That is the spirit of the Jew in America. I have lived in

New York for 20 years, coming and going among my own people, and I say there can be no better patriot and no more law-abiding people than the people of those races.

Mr. RAKER. I want you to answer a plain question, as an American citizen. Don't you believe that we ought to have but one language in the United States, that we should have no group settlements where any other language is taught?

Mr. BUBBICK. I say that the American people——

Mr. RAKER (interposing). Now, that is an easy question to dispose of.

Mr. BUBBICK. I am answering it; I am not evading the question.

Mr. RAKER. I know you are not.

Mr. BUBBICK. I say the American people will speak one language.

Mr. RAKER. Then you are in favor of it?

Mr. BUBBICK. In favor of it?

Mr. RAKER. Yes.

Mr. BUBBICK. Of course, we all speak English, but if there are men who have not yet learned to speak English because they have not had time for it——

Mr. RAKER (interposing). Then right there, you believe that we should have one language? Let us get right down to it.

Mr. BUBBICK. Yes.

Mr. RAKER. And that where a mass settlement is, where they do not speak the English language——

Mr. BUBBICK (interposing). I say they do speak it.

Mr. RAKER. Just a minute. Let me put my question. Where they do not speak and use the English language, if there are such places in America, the sooner we can eradicate them, so that they will speak and use the English language, it will be the better?

Mr. BUBBICK. I say, no; you should not eradicate them. They are good Americans, although they do not speak English as yet. If you will show me that there are children in America, born of naturalized parents, who do not speak English, I will be with you; but as long as any child who has come to this country or was born in this country has but one language there is no harm in the fact that those who have not yet learned English perfectly are using other languages as well. I say that it would be a very wrong policy and against anything American, to my understanding, to attempt to go in and eradicate a condition which is a very natural condition.

Now, one word more. I say that if you want to Americanize these people they must first speak their own language. Of course, they are speaking English when they arrive at that stage, but in their own language they get the information about America that they need: they are keeping in touch with everything that is going on in Washington and everywhere, because by reading their own press and hearing their own speakers they are doing a great Americanization work for themselves.

Mr. RAKER. Let us put it this way. As rapidly as it can be done, these people ought to be helped and instructed so that they can understand and speak the English language?

Mr. BUBBICK. There is no question about that.

Mr. RAKER. Then we agree on that. Now, is it not a fact that nine-tenths of the trouble in Europe to-day, with the wars and distress from Poland clear down to the Mediterranean, is caused by the

minority groups, or the various groups that insist on having their own languages and their own schools and their own institutions in the particular states? Do you understand what I mean?

Mr. BURLICK. I understand very well.

Mr. RAKER. Is not that true?

Mr. BURLICK. I am familiar with that question.

Mr. RAKER. Is that true?

Mr. BURLICK. Yes.

Mr. RAKER. I heard that discussed for a week down in Switzerland by over 40 nations, and there has been a treaty since the Versailles Treaty between these different nations, and in everyone there is a group in which they want separate schools, separate taxation, separate language and separate religion, contrary to and different from that which the State provides, and that is causing trouble every day.

Mr. BURLICK. Yes.

Mr. RAKER. And that should never be permitted to exist in the United States. That is right, is it not?

Mr. BURLICK. Yes, surely.

Mr. RAKER. Is not that one of the things that makes this country so great, that we do not have those groups and those organizations?

Mr. BURLICK. Yes, absolutely, and we should not have them.

Mr. RAKER. Now, all we are trying to do by this bill—

Mr. BURLICK (interposing). I would like to answer your question. I consider myself somewhat of an authority on the minority question. I say that in those countries you mention it is not a question of language; it is a question of different kinds of people living together without a common culture, and the minority there has a right to its own language, to maintain it just the same as the majority, because those countries are not yet as civilized as we are here in America. For instance, a Rumanian living in Poland wants to have his own schools. Why is that? Because the Pole is not as tolerant as the American. He has not the same kind of schools as the American has, to take in every child and teach him language and everything else. The Government school in Poland is a Polish school in the sense of race and religion. It is not like schools here. In the Polish school there is a catechism, and there is the spirit of saying that "Poland is only for the Poles." They consider that the Ukrainians, who lived in Poland for centuries, even before the Poles, are not good citizens because they are not good Poles. That is a discrimination on the part of the majority, who have the might, against the minority, who are in the right. It is President Wilson who is chiefly responsible for the minority rights in the treaty of Versailles. It is a great thing entirely in accordance with the ideals of America. Wherever there is in a country a race that subjects another race to indignities, that other race should have its own schools for its own population. If Poland should have the kind of public schools that we have in America, none of the minority races would claim separation. It is the might that makes separation; it is the misused power that makes it.

Now, I want to say one word further as to that. If you want the mass settlements to become Americans as soon as possible, just leave it the old way, when everything was in the old broad American

style of freedom. You assimilate people not by force; you can not assimilate a man or a group of men if you tell that group that it has blood of a low race in its veins.

Mr. RAKER. How can you come to that conclusion, when 20 or 30 years ago there were only about 10 or 15 foreign languages and to-day there are 1,400.

Mr. BUBBICK. Fourteen hundred foreign language newspapers?

Mr. RAKER. Yes.

Mr. BUBBICK. I do not know the statistics about the papers 30 years ago, and I cannot discuss that, but I can assure you that the number of foreign-language papers is diminishing as the years go by. I can testify to that. I can tell you that foreigners, almost all of them, read American papers. As was pointed out this morning by my colleague, if they read the Yiddish papers, speaking for our people, it is only because they find there more reports about their own kin, more things in which they are interested in a religious and cultural way. The American papers in English can not give as much as we do to matters of interest to the Jew, as a Jew. That is the main purpose of these papers. But I can assure you, as I said before, that the papers are diminishing in a natural way. In fact, my children do not read my paper, although I would like them to do so.

Mr. McREYNOLDS. Have your children been taught Yiddish?

Mr. BUBBICK. No; they were talking at home in Yiddish, between ourselves, in former years.

Mr. McREYNOLDS. Have you any schools that teach them in that language?

Mr. BUBBICK. Yes; the religious school, the Hebrew school. My own children have visited such schools. Of course, they go to public schools, to high schools, and to the universities, but they know Hebrew.

Mr. McREYNOLDS. That is just from a religious standpoint?

Mr. BUBBICK. Yes; they read it to understand the Bible and Hebrew literature.

The CHAIRMAN. We are very much obliged to you, Mr. Bubbick.

Mr. SABATH. I ask unanimous consent that these gentlemen who have addressed the committee to-day be permitted, as usual, to revise their remarks without, however, changing the views expressed.

Mr. RAKER. To correct them.

The CHAIRMAN. As far as practicable we will try to do that, but if these hearings are to have weight they must be printed pretty soon. Is that satisfactory?

Mr. DICKSTEIN. Yes.

Mr. SABATH. Mr. Corry, who addressed the committee, representing his father's people, desired to know if he could print a short brief to cover certain points that were touched on in the many questions that he was subjected to.

The CHAIRMAN. If there is no objection, that will be done.

Mr. DICKSTEIN. Mr. V. Shimkin, publisher of the Russian daily *Novoye Russkoye Slovo*, 178 Second Avenue, New York City, presents to me and asks me to present to the committee for its consideration a number of petitions of protest against the features of the bill and the census as taken under the bill. He will not make any statement except to have this put into the record.



The CHAIRMAN. All right.

Mr. DICKSTEIN. And that a copy of one of the petitions be read into the record in order to save all these thousands coming down by mail.

The CHAIRMAN. Without objection it will go in.

Mr. SABATH. Is he here?

Mr. DICKSTEIN. Yes.

(The petition is as follows:)

*To the honorable Members of the Senate and House of Representatives, Washington, D. C.:*

We, the undersigned citizens and residents of the United States, hereby petition not to decrease the Russian quota for the year 1924 as proposed in the immigration bill now under consideration.

The last upheaval in Russia created such a state of affairs that thousands and thousands of Russians of all classes—peasants, workers, and professionals—found it impossible to live there in peace and in pursuit of their vocations.

Many of these Russians have already immigrated from Russia, others are preparing to do so at any moment. The sufferings of these immigrants in the various countries of Europe and in Russian proper are undecipherable. They are all willing to work, and their relatives, friends, and compatriots in this country are anxious and ready to provide for them and see that they should not become a public charge.

We hope that America, which has only recently displayed her generosity and friendship toward the Russian people by saving millions of Russians from actual starvation will not remain deaf to the clamour of those unfortunate Russians who see the entry to the United States as their only salvation.

HELEN M. DRASHEFF,  
*Laidlaw Avenue, Jersey City, N. J.*

Mr. DICKSTEIN. Reference has been made by you, Mr. Chairman, during the course of this hearing, to the H. I. A. S. and some things that have occurred in the matter of passports. We have here in this room Mr. John Bernstein who I understand is the chairman of the H. I. A. S., and in view of the statement made by the chairman with reference to certain wrong doing, from what I could gather, I think it would be proper and fair both to the H. I. A. S. and to this committee that the matter be cleared up.

The CHAIRMAN. Can Mr. Bernstein be here to-morrow?

Mr. BERNSTEIN. It would be inconvenient but I can be here. Congressman Dickstein suggests that it is getting late and it would be better to appear to-morrow.

The CHAIRMAN. We will hear you to-morrow.

(Thereupon, at 7.10 o'clock p. m., the committee adjourned until to-morrow morning, Friday January 4, 1924, at 10 o'clock.)

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COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Friday, January 4, 1924.*

The committee met at 10 o'clock a. m. Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order.

A number of witnesses are to be heard to-day and at their suggestion the hearing was set at 10 o'clock. Mr. Bernstein, president of the Hebrew Immigrant Aid Society was called last evening at 7.10, and then an adjournment was taken until this morning. He is not

present, and we might proceed for a time with Mr. Cairoli Gigliotti, of Chicago, publisher of an Italian-American newspaper. This editor has sent copies of his paper to various Members of Congress from time to time and after a series of correspondence with the chairman he was asked to come here and make some statements.

Are you ready to proceed, Mr. Gigliotti?

Mr. GIGLIOTTI. I am ready.

**STATEMENT OF MR. CAIROLI GIGLIOTTI, EDITOR OF THE NEW COMER, CHICAGO, ILL.**

Mr. GIGLIOTTI. Mr. Chairman and members of the committee, do not get scared because I have a bag here. It is merely the brief bag I carry around all the time. I am here not to oppose your law, but actually to recommend it in many ways, and in some ways I would suggest some modifications to make it more stringent.

Mr. RAKER. Before you proceed, just give us a little information. You are from Chicago?

Mr. GIGLIOTTI. I was going to do that in the start, Judge. I came to this country about 30 years ago from Italy.

Mr. RAKER. You are a native of Italy?

Mr. GIGLIOTTI. I am a native of Italy.

Mr. RAKER. Have you been naturalized?

Mr. GIGLIOTTI. I have been naturalized nearly 25 years ago now. My first girl was born in New York 27 years ago, and she married a man of German descent. She is now living in Denver, Colo., and has some children. Another one of my daughters was born in Pittsburgh and she is married, too, I think to an Englishman by the name of Martin. I suppose he is of English descent. She is living in Ohio.

I studied law in the New York University law school in 1897-98. I came here originally to run a newspaper in New York, but from there I was called to Pittsburgh to direct a newspaper there, and then I finally started a paper of my own. I was also connected with the First National Bank there for a number of years, but I could not attend to both businesses like I am trying to do now, and, therefore, I resigned from the bank and devoted my time entirely to the newspaper which was issued three times a week.

Then hard times arrived. I thought I could make a little money in Panama, and that was the only time I left this country since my arrival here. I went to Panama and remained there for about six months, during which time I was chief clerk of the Material Department of the Panama Railroad Co., at the time Mr. Shontz was chairman. It was owned and controlled by the American Government.

Mr. RAKER. And what is the circulation of your paper?

Mr. GIGLIOTTI. 25,000. I entered the law business in Chicago in 1908.

Mr. VAILE. Your paper is entitled The New Comer, is it not?

Mr. GIGLIOTTI. Yes; The New Comer. Since I started my paper I have been practicing law all the time. I did not start this paper myself, but it was started by a Presbyterian minister. When it was started it was for the purpose of the betterment of the race, and

I contributed to its columns. I have been in the newspaper business for I do not know how many years in Italy and here. I have published a good many books, and this man asked me to write the editorials in English and Italian for educational purposes. I think that the paper changed hands three or four times and about two and a half years ago the paper was going out of business and I was induced practically by reason of my love to the work to purchase it. I have been running the paper at considerable expense to myself, an expense of about \$3,000 a year. During the day I practice law and I write the paper in the evening.

When I received the invitation from your committee, of course, I had some matters that I was attending to, and I had not very much time to prepare, and when I took the train I scribbled a kind of, you might say, preface to what I was going to say, which I do not like to read, but it can be incorporated in the record if the committee finds that it is not subject to censure.

Mr. WILSON. Does that contain the statements that you expected to make to the committee?

Mr. GIGLIOTTI. That was a preliminary comment. In other words, I start from the point of view that we need to restrict immigration.

Mr. WILSON. Does this document that you propose to read contain the statements that you wanted to make to the committee?

Mr. GIGLIOTTI. It is the beginning of my statement.

The CHAIRMAN. Preliminary.

Mr. GIGLIOTTI. Preliminary: but if you would like me to read it, I will do it: otherwise I will leave it with the committee.

The CHAIRMAN. Go right ahead with it.

Mr. GIGLIOTTI. It is not very long. It will probably take a few minutes, and if you want me to read it, I will do it.

The CHAIRMAN. Yes.

Mr. GIGLIOTTI. The immigration problem is the most important problem facing the United States legislators. It is, in fact, a three-faced problem. It is economical, political, and social. Economical, because the prosperity of the Nation is involved in its solution. Political, because it has intimate relation with election to office and control of the United States Government. Social, because the welfare and the social relations of all citizens of the Nation are connected with it. It requires, therefore, the best effort on the part of all loyal citizens of the United States to solve it right.

We may discuss it from several points of view, but we have agreed that the newcomer should be a desirable addition to our American family. To make him desirable we must require qualifications which will not lower the level of what we consider the ideal citizen. An ideal citizen must be honest, healthy, loyal, educated. Honesty is required, because we insist that our citizens use it as a standard in dealing with their fellow beings. A man who attempts to come here by stealth, and who is not coming for the purpose of contributing to our prosperity and of making it his own, is not honest.

By the way, this is probably the most important point that we have here. When I came to this country—and I just tell this about myself to show that I was probably somewhat different from a good many immigrants—my grandfather was convicted in 1848 for conspiracy against the tyrants who ruled Italy. He was a professor

in an Italian University and a great physician, and he spent five or six years in jail. My father dissipated a fortune for the cause of the liberation of Italy, and he lost the sight of his right eye on the battlefields of Poland in 1863 when he went with General Nullo, who was one of Garibaldi's cavalry commanders. When Poland started an insurrection in 1863, as a good many volunteers of Poland had fought with Garibaldi, the Italians thought it to be their duty to reciprocate, and my father went to Poland and fought for Poland's freedom. He did not ask anything of the Government. There were over 75 farms owned by my ancestors. But, at any rate, for the freedom of Italy their wealth was dissipated.

A first cousin of my father was a brother-in-law of the first son of Garibaldi; they married sisters. He is now dead. My uncle was also one of Garibaldi's officers, and a brother of my mother's was the governor of a Province, now retired, and his son is one of the most influential members of the Italian parliament. My uncle's daughter married the son of the Italian Minister of Foreign Affairs some years ago.

I tell you this to show you that I had a little influence over there, and if I wanted to secure a position I could do so. But there was no prospect for the future there, and when I received an invitation from my brother, Doctor Gigliotti, of Pennsylvania, to come to this country, I came.

At the time I was born the population of Italy was about 27,000,000 and to-day her population is over 40,000,000, perhaps 41,000,000, and with the 10,000,000 they claim in foreign countries—because they claim those who are in foreign countries—it makes 50,000,000. They admit that there are 700,000 or 800,000, maybe 600,000 as a minimum estimate, who emigrate every year. Therefore, there is no room for them to come back. For this reason we should educate our people who come here to make this country their own country and to protect the laws of this country, and if they are to carry a flag, I have always thought they should carry the American flag. Of course, I have made enemies by doing that, because there is a great deal of propaganda the other way. I have always advocated one language, one flag, one country, and I have done that in the face of a great deal of opposition, and when I needed help for my newspaper I could not get any. I have sacrificed myself to publish this paper. I work every night until 1 or 2 o'clock to prepare and to write this paper without any other help, because it would cost money to do it otherwise, and during the day I do the best I can to practice law. Therefore, when I say that the citizens who come here should contribute to the prosperity of this country, I say at the same time that they should make it their own country. In other words, if a man gets a thousand dollars here and sends it to the other side, I do not consider he contributes to the betterment of this country, because his mind is always on the other side. And I believe that this propaganda that has been going on for years is detrimental not only to the original country, but to immigrants as well. There are loud protests when it is found we do not want more immigrants, but none seem to realize that the man who goes away from that country goes away forever.

Of course, this country is a very prosperous country, but very few get rich. It is a stroke of fortune when that happens. We live

well. Probably our standard of life is higher than that of any other country, but we must keep on living and working honestly if we want to carry our burden. Therefore, a man who comes here must come here to stay.

Now, I have told my own people not once, but many times, that they are their own enemies, because there are things that the American people can not fail to see. For instance, articles in the foreign-language press nearly every day. I have one in my bag here stating that we are a bad people only because we do not want what we do not need. The hope of the publishers is that those things do not attract your attention and that of other citizens of this country. They do attract my attention because I know the language and read the articles.

But the most important point is this, that when they go out parading, for instance, and carry around foreign flags, of course they show the American citizens that they are not altogether Americans, because there is something that indicates they keep their minds on the other side. People who do this are not, in my opinion, sincere; they did not come here for the purpose of living in this country. I could live very well on the other side, because I had my classical education over there; I have contributed articles to American and Italian reviews; but the fact is that I came here, and this is my country to-day: my children are living here, and I have found this country hospitable.

I might say as a matter of pride that when I took my thirty-second degree in masonry, Congressman Sabath's own brother was in the same class of 374. His brother is a judge in Chicago, and I was the only Italian or man of Italian descent in that class of 374, but they extended to me the very same hand of fraternal affection that they extended to every other member, which goes to show that when we come here with the purpose of living in the country and giving to the country our best there is no one who interferes with our full enjoyment of the privileges of this country.

Now, Mr. Chairman, comes the next point. A person who comes here contaminated with or suffering from disease could not be a healthy addition to our American family. Sooner or later, under the strain and inconstancy of our climate, he would become unable to produce, and then we would be required to extend him charity. We are charitable enough. In fact, we are the most charitable nation on earth, but we could not admit here people who come with the express purpose to work and produce and with the implied purpose to fasten themselves upon our institutions and upon our public or private domestic charity which, in spite of our evident prosperity, is already sufficiently taxed by the help we are requested to give to those who are our own. Then, a sick person may contaminate and infect others upon his arrival here. It is our duty to protect our citizens, as well as others, against such a danger.

At this point I would like to say that I studied sociology under Professor Colaianni, the most formidable critic of Cæsar Lombroso, who had the idea that all mental evils are inherited. He taught criminology and sociology in 1888 and 1889 and wrote a book on the subject, which, of course, has not been translated into English as Colaianni was not an advertiser, but it is largely the basis from

which all others have taken a great many of their ideas on environment.

Now, my conception of the health of citizens is this, that if a father comes here sick, of course, the child gets the disease, and if a father is ignorant, nine times out of ten the child gets the same inclination as the father. Not only this, but the father may be living like a poor working man lives, crowded, and he does not understand that the children who have to go to our American schools sometimes need to do a part of the work at home.

Mr. Box. Have you seen the United States census reports showing the attendance of the foreign-born children at our schools?

Mr. GIGLIOTTI. Yes, sir.

Mr. Box. Do you not see that the attendance is very low in the public schools?

Mr. GIGLIOTTI. Absolutely. I know this to be a fact, and I have had the experience with my own children. You take the Italians and the people of other nationalities. They are proud, like any other people, and they do not like to be considered beneath any other race, but they need to do a good deal of work at home to keep up their studies. I tell you this because I raised my own children and am now raising two nieces whose mother died in Idaho, their father is living in the mountains, in Lenox, and his ancestors were of the Mayflower stock. The mother of the children, I think, was of Swedish origin and she died, and these two children were left there without anyone to help them in their studies; so we took the matter up and Mrs. Gigliotti sent for these children, and we are raising them. I know they need a good deal of help, for instance, with their arithmetic and a good many other subjects, and those children come to me and ask me what I think of one thing and another thing, because they absolutely can not do that work at school, and they have to do it at home, and no one could have the necessary patience with them, especially when he is busy, unless he loved them and understood their work. I have been a student myself when a child, and I believe that there is no end to study. These children need help right along, and if we bring into this country a man who has no education, his children will be raised in the same way he was raised, and when they go to school they discover that they can not make the progress that other children make and they quit.

We have a great deal of juvenile delinquency in Chicago. They quit at the fifth or sixth grade because they are unable to make the progress that other children make, as they have no help at home, and they do not like to go to school and be left behind the other pupils, and they get discouraged and want to go to work, and sometimes the parents want them to go to work to earn money.

If we bring people here who are educated, they will have the same tendency to educate their children as they were educated, and they will be able to give the children the necessary help in obtaining their education.

Mr. RAKER. Do you think that a great deal of the delinquency is caused by the reason you have stated?

Mr. GIGLIOTTI. Yes, sir; and I have had a good deal of experience, and I think that Judge Sabath has had a good deal of experience himself in Chicago. He was not a judge during my time, but his brother is.

An immigrant should be loyal to this country, because he comes here to build up his future without destroying ours. He has left behind a country that pauperized him, no matter what his race or origin.

There is no doubt that we all came here to better our economical conditions. Everybody admits that the climate on the other side is a good deal better than it is here, unless you can live in Florida or California, and find a climate where you can spend your money; but if you have to go to work and have to go where conditions force you to go, and everybody who comes over here has left a better climate, or, at any rate, a climate to which he was accustomed, he finds a climate that is altogether different from that he liked the most, and, as a consequence, less suitable to him.

People are generally bound by ties of love and affection to the land that housed them in their infancy, where all their dear ones are buried, where their traditions, which nourished them and which they learned by the loving and convincing voices of their parents originated. Why are they coming here, abandoning forever what bound them to the past? Not to take a flying trip, but to live here the rest of their lives. Their original country was overcrowded when they came; it will be more so after they have established themselves here and have found in this land of opportunity their prosperity, their liberty, their future, the pursuit of their happiness. Their loyalty should call for an undivided allegiance to this country. Nothing short of that would satisfy our needs and convince us that we have performed our duty in admitting them here.

The newcomers should be educated. The test we have required of them in the past has demonstrated itself insufficient. We should make requirements more stringent. And to make them more stringent we should admit here only those who have received a sufficient grammar school education, such, in fact, that would fit them for citizenship.

I would like to state from my experience that some of them learn to scribble their name on naturalization papers, and then memorize the 15 or so questions, such as: Who makes the laws of the United States? Who makes the laws of New York? Who was the first President of the United States? Why do we celebrate the Fourth of July? Just questions of that kind. Now I do not believe because a man can answer one of those questions that they ask him by memorizing them that he has the qualifications for citizenship. He may have memorized all of them, or he may have memorized the single one that they ask him.

Mr. VAILE. May I ask you a question? I understand your contention is that only those who have at least an elementary grammar school education should be allowed to come in. You would not then advocate the theory that people should be admitted merely because they are likely to be good laborers, merely because they have strong backs and stout muscles?

Mr. GORMORR. Well, both. We like to make them citizens of this country. I think that has been the effort of this country for the last forty years. The purpose is not only to admit them temporarily, because immigration is really a sporadic disease—sometimes we need

immigrants and at other times we do not. But we like them to come here to remain and enjoy the prosperity of the country, and we extend to these people if they are not sincere a greater hospitality than they probably deserve.

A study of American history, of the origin of the people, etc., shows that those who made the greatest effort in building this country were not immigrants. Immigrants came here later on. They came here when the country was practically ready for them. Of course, there have been some developments in every State in the last thirty years, but the basis had already been built. In other words, those pioneers who came here three or four hundred years ago and fought for the country and gave us independence have done a great deal more than the others, but in spite of that we come from the other side and receive the same privileges, the same rights of citizenship, as the oldest citizens of the *Mayflower* stock. If we want to make of them good citizens, it is our duty to see they are the kind of stock that can be assimilated, which can make good citizens. I do not say that they should have to be university professors to come here, but when we do have a literacy test it should be something that will test them. I know of cases where some lawyers in New York have taught them to read those few words during the first day or two that they were detained at Ellis Island. That does not show a proper educational requirement.

Mr. VAILE. You yourself believe that the literacy test should be more thorough than it is at present?

Mr. GIGLIOTTI. I believe that it ought to be more stringent than it is. That is my humble opinion. Of course, I only express that as my opinion.

Mr. SABATH. You think that they can teach them how to read within two or three days at Ellis Island?

Mr. GIGLIOTTI. Yes; they have done it.

Mr. SABATH. They must be good scholars and students if they can learn how to read in two or three days.

Mr. GIGLIOTTI. Well, Judge, I have thought this, that everyone who seeks citizenship papers should be able to read and write. I think they are doing something of that kind now in New York.

Mr. SABATH. Do not confuse citizenship or naturalization with immigration.

Mr. GIGLIOTTI. No; but if I am correctly informed there was passed in New York a law requiring voters before they registered as voters to take a test showing that they can read or write.

Mr. RAKER. Both read and write?

Mr. GIGLIOTTI. Yes. And I understand that at least 60 per cent of those who were qualified to vote before will not be able to vote now. I understand that under our laws every State is the judge of the qualifications of its citizens for political privileges. In Indiana a man who has his first papers can be a voter.

Mr. SABATH. Of course, you are again speaking of naturalization.

Mr. RAKER. No, no. What he is driving at is notwithstanding the fact that they are naturalized they are not capable of exercising their franchise to help elect the officers to run this Government.

Mr. GIGLIOTTI. Yes, judge.



Mr. VAILE. As I further understand your remarks, your idea is that only those should come as immigrants who are capable of being naturalized and making good citizens?

Mr. GIGLIOTTI. That is my conviction. I think this has been the ideal of the country for many years, and especially at this time we want to restrict immigration, because we do not need so many, and this is our opportunity to get the best ones we want. They have hundreds of thousands of people ready to come, and we only need a few, and if we can ask that those few that do come here be properly qualified according to our standards of education, perhaps equivalent to that of children when they get through the grammar school, I believe we will make a good selection, and we will be sure that the immigrant who does come here will make a great deal better living, and that he will assimilate.

I was listening to the talk about mass settlements, and the reasons were explained yesterday that immigrants came here for the purpose of working, and that they have no other way of living but among people that understand their language, and all like that. I had the experience that when a man comes from the other side with an education, he wants to get in an American family where he can practice English, and he buys a grammar, and in that American family he talks and learns the practical side of the language. Nearly all of these people do that way when they come over here with a certain degree of education.

Mr. RAKER. Is it not more fundamental that the man should not only be able to work and have a strong physical being, but under our form of government that he should have sufficient education and sufficient knowledge of our institutions to help maintain our Government?

Mr. GIGLIOTTI. Absolutely, Judge. That is my idea.

Mr. RAKER. Otherwise, without any knowledge, in the mass settlement the boss tells him what to do?

Mr. GIGLIOTTI. Yes.

Mr. RAKER. Instead of using his own judgment?

Mr. GIGLIOTTI. Yes.

Mr. RAKER. And that is a detriment to our country if it is to continue?

Mr. GIGLIOTTI. Absolutely. We have had this experience in every large city where there are large numbers of foreigners.

Mr. RAKER. They get a boss or two and he gets large compensation and he drives the rest of them?

Mr. GIGLIOTTI. Yes. They have a splendid Italian colony in Boston, they have a wonderful Italian colony in California. Perhaps, the judge is familiar with that. There are wonderful people who went there; some of them had education. Probably the two colonies of Boston and California are the best Italian colonies in the country. They are in my humble opinion. Of course, I have not complete knowledge of all other foreign settlements.

Now, the man who goes to California has a good deal more help than the man who stays on this side. For instance, a relative generally sends money over to Italy to permit a man to come here, and the first place he reaches is New York, where he arrives, and he stays in the East because he is there and it requires a good deal more

money go farther, but when immigrants have education they can do a great many things that they could not do if they were not educated. For instance, you remember, perhaps, Mr. Caminetti, the one who was Commissioner of Immigration. He was an Italian, but no one in the State of California ever raised a question of doubt as to his fitness for the position. But if he had come from New York, for instance, or from Chicago, or from any other place where there are settlements of many kinds, you would have had about 2,000,000 protests of voters telling you that that fellow was not fit for the place. You heard yesterday about Mr. Speranza. Now, I knew Mr. Speranza. Thirty years ago he was teaching school, I think, in the Sullivan Street district in New York, teaching English to newcomers.

Now, Mr. Caminetti was never knighted by the Italian Government; he wrote a number of articles on anthropological questions; he met with a good deal of success; he was a lawyer—

Mr. RAKER. In other words, you are trying to get at the fact that a man like Caminetti when he goes into a community becomes a part and parcel of it and takes the same attitude and the same line of thought the others do, and Caminetti was a leading lawyer, one of our code commissioners, was State senator for two or three terms, a Member of Congress, a Commissioner of Immigration, and also has held many important positions, and nobody ever dreamed or talked about his nationality.

Mr. GIGLIOTTI. Absolutely.

Mr. RAKER. So if you do away with the mass settlement it makes no difference from what country he comes: he comes upon the same basis as those that are here?

Mr. GIGLIOTTI. Yes.

Mr. RAKER. And that is what you are trying to drive at?

Mr. GIGLIOTTI. That is absolutely my point.

Mr. SABATH. Do you know where Mr. Caminetti lived in California?

Mr. GIGLIOTTI. No. I know he lived in several States.

Mr. SABATH. I mean in what county and in what section?

Mr. GIGLIOTTI. Personally I was not acquainted with him—

Mr. SABATH. Do you know whether there were any other Italians in the same community as that in which he lived?

Mr. GIGLIOTTI. There are communities in California that are practically owned by Italians.

Mr. SABATH. I know all about it. I have been there, and I have spent a good deal of time there, and there are, according to my California colleague, also certain counties and sections there where there are no Italians.

Mr. RAKER. No; Caminetti lived in Jackson.

Mr. SABATH. The only Italian there?

Mr. RAKER. No; there are Italians scattered all through the county. Like any other nationality there they do not go in groups. They do not pick a man according to his nationality, but it is a question as to whether he is a good American citizen.

Mr. GIGLIOTTI. Absolutely.

Mr. CELLER. I understand there is an Italian colony in California, is there not, Judge Raker?

Mr. RAKER. Yes.

Mr. CELLER. There used to be a large wine concern there.

Mr. SABATH. There are several of them around Stockton and Fresno, but those are those who came there around 1840 and 1850 and 1860.

Mr. RAKER. There is one up in the Napa Valley where they used to make that Chianti wine. I know in the old days we used to drink it in New York.

Mr. SABATH. Some Italians are the best farmers in that section of California.

Mr. RAKER. No one raises any question about that, but the point is that if you do not put people in a mass and do not run them by mass and do not bring them here so that they can not assimilate you are doing the right thing.

Mr. GIGLIOTTI. That is my impression.

Mr. RAKER. And we do not take a position against a nationality, but we do want that those who are here should be assimilated.

Mr. GIGLIOTTI. Absolutely; and that was my impression, even when I heard yesterday somebody charging this committee of the United States Congress with discrimination, and I thought that was not so; because if you make that on the basis of 1910, or make it on the basis of 1890 you will have some people benefited by one method and probably hurt by the other. But the point is that we need less people at this time, and my impression is that at this time we can get better people, because we have our choice. That is my modest opinion. It will take a great deal of time to assimilate those that are already here. Probably if there should be a parade here in Washington to-morrow, the first thing you would see would be Italian flags, or Polish flags, or the flags of other nationalities, and I have written on that subject in every language I know. Now, why do they not carry the American flag alone? That would show that they had actually been assimilated. In other words, if they have a love for the native country—I have it just like any other man. I do not forget that my father is buried there, that my mother is buried there, that my ancestors are buried there. I do not fail to realize conditions which are actually existing, and which, of course, make every one proud of his origin; but I know one thing, that the education tried out in the foreign-language papers in this country is proceeding in the wrong way. I have in my pocket a clipping which I will give to your chairman when I get through. This is a clipping not from my paper, but from an Italian daily newspaper published in Naples and it is a Fascista newspaper at that. One thing they say here is that "Numbers of writers in newspapers and in a number of publications in North America have exalted the type of this man (that means Mussolini) and say that they find him to be the political leader of the world."

Of course, when you teach these newcomers that some one from another country is the leader of the world, including America, that gives them the idea that they have found a country where there is absolutely nobody who is worth anything. I have contended right along that we have in this country as many great men as there are in any other country. I claim this from the anthropological and sociological studies I have made. Cesare Lombroso tried to demonstrate that every genius was a descendent of or an abnormal individual. You find great men in Norway, in Italy, in Ireland, in France, and in every country, and we have great men in this country.

If instead of living 150 years we had lived 1,000 years we would have put in our pockets in the matter of number—I will not say in the matter of quality, because we have the quality already—what all other civilization has been able to put together. The point is that I believe the races are equal in virtue and knowledge. We are all children of God, and to a certain extent we have the equipment that every other human being has; and if you teach the newcomer something about American history—and you can not teach that in the foreign-language newspapers, because they will speak all the time about the great things done on the other side and not of those done here—you will acquaint them with the virtue of this Nation. You will find a great many people who do not know what Lincoln did if you ask them. They do not know, because it is probably not in the formula for becoming an American citizen. Now, my idea is that we have a good standard, and that some of the foreign people who come here are wonderful people. I believe we are all immigrants to a certain extent, even those who were born in this country, but I do believe we are trying, as far as I can understand it, to build up a nation. Of course, we have the best nation in the world, the strongest nation in the world, but at the same time we like to keep up with progress.

Now, I want to give by way of illustration a case in which I am not personally interested—the case of a friend of mine. There was in Italy a gentleman, a professor of the University of Modena before the war; he was a great physician, a great pathologist and was well known all over the world. Now, the faculty of the university was in favor of Italy entering the war, and he was against it, but nevertheless when Italy entered the war he was the only one going to fight, and he fought four years in the trenches, and he became a lieutenant colonel in the Italian medical corps. When he got through the war his old chair at the university was vacant and there was a contest for that chair, but he was not taken into calculation at all, because he was at the front. He wrote to the dean of the university asking whether or not he could get any information about the contest for that chair. They replied that the contest was closed, but that if he would send the contribution to science of what he had made during the four or five years in which he had been away from the chair, then they would put him in the list with the other applicants. The place was already promised to a young man, the son of a senator. But, at any rate, Professor Massaglia was absolutely disgusted, and he came to this country and occupied a chair at the Northwestern University of Chicago in research work. He was made a master of arts under this special bulletin, "A soldier of Italy, decorated three times for bravery under fire, a scientist of international reputation."

Now, he received in this country all the privileges that any American citizen would have received. From the Northwestern University he went to the Loyola University at Chicago, then he went to the University of North Dakota for two years, but it was too cold there for him, 40 below zero, and now he is in charge of the department of pathology and bacteriology at the University of Mississippi, where he gets four months a year vacation. This man is a great scientist and his works are known all over the world, and when he came to this country with some merit they did not discriminate against him.

they did not think of him as an Italian. We have a great many such men in American institutions. So if there is discrimination because of quotas it should not be charged that Congress is discriminating between nations because we were immigrants ourselves at one time, whether now or before, and we have every sympathy for immigrants.

Now comes the point of the education of immigrants. Immigrants come here to work, not to study. Were they willing to learn in this country what they failed to learn in their country of origin, they would have neither time nor means. They get home tired from a day's work, and no one would expect them to read and write, or, at least, to learn enough to acquaint themselves with those elements necessary to make progress in life. I do not think it would be possible, and naturally their children would be raised in the very same environment.

A man who is a quasi illiterate upon his arrival could never change his status while here. His children would inherit his diseases. Everybody admits that the diseases of the father are transmitted to his children—a good many diseases—and there are a good many scientists who are of the opinion that even the ignorance of the father goes to the child at the time he is conceived. That theory is supported by the majority of men of science.

Children would also inherit the ignorance of their parents. We would crowd ourselves with poor fathers and with not much better children. The statistics of criminality show a preponderance of juvenile offenders. They give to society what they have inherited from their parents and learned through ignorance and bad example. In my opinion, bad example is just as bad as heredity. In other words, if the father gives the child a bad example and the child is raised in a bad environment, when the time comes the child will feel as the father did.

MR. RAKER. Not only feel like the father, but act like the father?

MR. GIOLITTI. Yes; he will do the same things that the father does.

These points are in your mind as well as in mine. We may discuss the ways and means of carrying them out, but no one who is bound, like we all are, by a duty of loyalty and gratitude to this country of ours, should take them lightly.

Now, I will tell you this about gratitude. I do not say this to do any offense to my original race, but I have had more than once to tell them that Columbus did not discover America to permit the people of his race to live out of traditions. They must live out of personal effort. Columbus took merely a trip. I have dedicated this to some of our foreign-language newspapers.

Of course, people who come over here to make capital of their intelligence, you might say, are the worst thinkers in this country. In other words, they are the most emphatic enemies of our country. They do not realize that if they take an office in any American corporation they ought to know the English language well. They are well equipped in their own language, but they are not equally equipped in the American language. They like to write for newspapers, but no American newspaper would take the editorials they write because they do not know the language. And they think there is a discrimination against them. But the fact is no one wants to

employ a man unless he is efficient and can do the work properly for his employer. That is my point.

Most of you gentlemen, if not all, are born here. I was born over there. But I have been an American citizen for almost 25 years, and my children and the children of my children are born here. Of all things in the world the one I prize the most is the decree of the court which proclaimed me an adopted son of this Republic. I can say this, that I do not desire to be a citizen only for what I can derive from the citizenship. In 1898 there was a war with Spain and I was not a citizen—I became a citizen a year later—but I tendered my services to the Government as an officer in the Navy. Admiral Crowinshield said that only citizens could be enlisted as officers in the Navy, and I said, "I am willing to go as a private in the Navy and fight like anyone else for this country." That was in 1898. And when the war in 1917 broke out I tendered my services again, and I can say this, that I have a personal friend in the person of Mr. William Jennings Bryan, and at that time there was a Democratic administration. I did all I could in the world to secure any kind of an appointment, but I did want to go over and fight. I could have secured an appointment in the Quartermaster Corps, but I was useful enough over here and was going out making speeches for the Liberty loan and one thing and another, and I wanted to fight and did not like to go and do work of the same kind. I state this, Mr. Chairman, just to show you that I would like to serve this country in every possible way, even in a way that is extremely dangerous.

The CHAIRMAN. We understand that. I am afraid we will have to hurry you along, as the time allotted is about gone. You stated in your opening the opinion that you should like to see restricted immigration?

Mr. GIGLIOTTI. Yes; and I would like to say this, that there is a good deal of talk here about discrimination, about taking the census of 1910 or the census of 1890, or anything of that kind. I make the suggestion here, which no one can dispute or, at least, no one can object to as being discriminatory—I say this that in 1917 we called to arms all the American young people, and a good many of them went to war. Now there is no one who could object if we take as the basis of our quota, whatever quota we might adopt, the number of foreign born people who fought in the American Army. I believe this would be the best way to show that we appreciate those who did their duty to this country.

Now, if there is any member of the committee who would like to ask me any questions, I am here.

Mr. SABATH. You are a publisher of a paper?

Mr. GIGLIOTTI. Yes, sir.

Mr. SABATH. The name was given here?

Mr. GIGLIOTTI. Yes, sir.

Mr. SABATH. And you are here as the editor of that paper? You do not come here as a representative of any organization?

Mr. GIGLIOTTI. No.

Mr. SABATH. Or group, or anything?

Mr. GIGLIOTTI. No.

Mr. SABATH. Just as the editor of that paper?

Mr. GIGLIOTTI. Absolutely.

Mr. SABATH. And this is the only paper printed in Chicago by an Italian in the English language; is that right?

Mr. GIGLIOTTI. It is not printed altogether in the English language; all the editorial comments are printed in English.

Mr. SABATH. What is the circulation of your paper?

Mr. GIGLIOTTI. Twenty-five thousand.

Mr. SABATH. Is that a daily or a weekly paper?

Mr. GIGLIOTTI. A weekly paper.

Mr. SABATH. You are familiar with the other papers that are published there?

Mr. GIGLIOTTI. Yes.

Mr. SABATH. Would you say that their articles and their editorials are not patriotic?

Mr. GIGLIOTTI. Some of them are not. I have one of them in my pocket here.

Mr. SABATH. Which one?

Mr. GIGLIOTTI. I can show it to you.

Mr. SABATH. Where is it printed?

Mr. GIGLIOTTI. In Chicago. I have it here.

Mr. SABATH. What is the name of it?

Mr. GIGLIOTTI. I will give you the paper.

Mr. SABATH. What is the name of it?

Mr. GIGLIOTTI. The Tribuna.

Mr. HOLADAY. Let us have the article.

Mr. CABLE. Let us hear it. Read it.

Mr. GIGLIOTTI. Here is the article which can be translated by anybody.

Mr. HOLADAY. Not by me.

Mr. SABATH. What is the name of the paper?

Mr. GIGLIOTTI. Tribuna Italiana—the Italian Tribune.

Mr. DICKSTEIN. What is there in that paper that you say specifically that you complain about as being improper?

Mr. GIGLIOTTI. You can see the title here, and this belly here, and it says, "The sacred belly, emblem of the dirty egotism of some Americans." The picture alone will show what was the intention of the writer.

Mr. DICKSTEIN. What would you say that article conveys.

Mr. GIGLIOTTI. Well, it conveys the impression that we should admit everybody here, and if we do not admit everybody here then we are a bad people.

Mr. DICKSTEIN. That is the interpretation you put on it.

Mr. GIGLIOTTI. It is not the interpretation, it is the translation of it. If you have time I will translate it verbatim.

Mr. HOLADAY. Why not let him translate it?

Mr. DICKSTEIN. All right.

Mr. GIGLIOTTI. The title and the first paragraph are practically the same, the "Sacred belly—"

Mr. SABATH. Why does he not sit down on the side and translate it?

Mr. GIGLIOTTI. I will be absolutely willing to file this with the committee with a translation.

(Translation of the article referred to is published hereafter at p. 841.)

Mr. SABATH. Is that a socialistic paper?

Mr. GIGLIOTTI. No.

Mr. SABATH. It has some politics, has it not?

Mr. GIGLIOTTI. I believe it is a Democratic paper. The editor, at least, supports the Democratic Party.

Mr. DICKSTEIN. All the things you said before the committee do you also believe, or are you stating it on positive facts?

Mr. GIGLIOTTI. I state it on positive facts.

Mr. SABATH. That is, all the statements you have made are as true as your statement that this is a Democratic paper?

Mr. GIGLIOTTI. Yes, sir.

Mr. SABATH. They are just as true.

Mr. GIGLIOTTI. Absolutely. Of course, Judge, I do not mean to say that a man who is supporting Democratic or Republican candidates for office ought to be considered any different from any other. I do not like to charge that against anyone, because it is his free opinion. A Democratic administration is as much an American administration as a Republican administration when elected to office.

Mr. SABATH. I am only asking about the policy of the paper.

Mr. GIGLIOTTI. Yes.

Mr. McREYNOLDS. Do you know the circulation of that paper?

Mr. GIGLIOTTI. I could not say; the circulation is not very large, but in the American Directory it is placed at 25,000 copies.

The CHAIRMAN. Do you present this paper to show that in your opinion the paper preaches not only class hatred, but race hatred—is that the idea?

Mr. GIGLIOTTI. Yes. The reason I presented the newspaper was because I was asked if there was any paper writing anything unpatriotic. I have on my exchange list practically all the Italian newspapers published in this country.

Mr. SABATH. That paper does not say anything against the Government, does it?

Mr. GIGLIOTTI. No; but some do.

Mr. DICKSTEIN. Which paper does say something against the Government?

Mr. GIGLIOTTI. A good many of them.

Mr. DICKSTEIN. Which one? Give us one that says something against the Government?

Mr. GIGLIOTTI. They find fault with everything we do. Of course, they do not say the Republic is a bad Government.

Mr. DICKSTEIN. Other papers find fault with everything, do they not?

Mr. GIGLIOTTI. Well, some.

Mr. DICKSTEIN. Which particular paper can you point out to this committee that says anything against the United States Government?

Mr. GIGLIOTTI. Well, if I go down to the Union Depot and I can get one of the daily Italian papers from New York I would probably find something.

Mr. DICKSTEIN. You live in Chicago?

Mr. GIGLIOTTI. Yes.

Mr. DICKSTEIN. You are going to stay here to-day?

Mr. GIGLIOTTI. Yes.



**Mr. DICKSTEIN.** Will you bring back a newspaper that you say says anything against the United States Government of any nationality or creed?

**Mr. GIGLIOTTI.** If I can find one on the news stand.

**The CHAIRMAN.** If you can not find them on the news stand you can go to the Department of Justice.

**Mr. GIGLIOTTI.** I will do that willingly.

**Mr. DICKSTEIN.** You will go to the Department of Justice and get one?

**Mr. GIGLIOTTI.** I will get the papers they have here on sale, and if I find anything I will bring it here. Of course, they do not publish those things every day, but there are things published and they come to my attention practically every week.

(Mr. Gigliotti submitted the following translation of an article from *Il Mezzogiorno*, an Italian newspaper published at Naples, edition of December 4-5, 1923.)

[Translation.]

#### THE FASCISMO MOVEMENT ABROAD.

ROME 3.—In an interview with *Epoca*, the secretary of the fascies abroad, Commander Bastianini, discussed the Italian fascismo movement abroad. He said that distrust has vanished almost completely and trust and sympathy toward the fascist movement have taken its place, because all have found out that this does not signify violence, coercion, struggle against the local organizations, but only the means suitable for fraternizing all the Italians and to preserve in these the [print not legible] abroad. Newspapers have been established by these numerous local fascies, the aim of which is to make known the purpose of fascismo and still more to stabilize the work of the Italian Government. In very many localities there have also been established libraries, reading rooms, and clubs for recreation. The task of fascismo abroad can be summarized as follows: Respect for everything that is Italian, friendship and solicitude for all works of assistance, education, and fraternity, harmony between the various societies, and rational distribution of the task which the duties of the Italian national consciousness impose on Italians abroad and moral control of the activity of the societies and the individuals.

In regard to the judgment of Mussolini abroad, Commander Bastianini said: "The active forces of all countries consider Mussolini as their spiritual leader. In England, for example, Mussolini has very many admirers, and there are many of them also in Germany. Likewise, in North America writers and journalists in numerous publications have exalted the figure of this man, whom they define as the political leader of the world. Even in Russia Mussolini is much esteemed." After having shown the ever-increasing approval which fascismo is gaining abroad, Commander Bastianini mentioned the action which is being taken in all the States among our people who have emigrated against the insane anarchistic propaganda which even up to yesterday was able to do its work.

Commander Bastianini concluded by foretelling that all the Italian forces abroad will unite to aid the national government in the work of reconstruction.

**Mr. DICKSTEIN.** Outside of this so-called newspaper which you produced do you know anything else about the contents of any other foreign-language newspaper except those printed in your own town—

**Mr. GIGLIOTTI.** Well, I can not read any more than French, Spanish and Italian besides English, and some of the Italian papers do it.

**Mr. DICKSTEIN.** I understand you are in favor of this bill, is that so?

**Mr. GIGLIOTTI.** I am in favor of this bill, and I am in favor of—

**Mr. DICKSTEIN.** The census of 1890?

**Mr. GIGLIOTTI.** No.

**Mr. DICKSTEIN.** What census do you suggest?

**Mr. GIGLIOTTI.** I suggest the census taking as a basis—

**Mr. SARATH.** Those that served in the late war of foreign birth, which would be perfectly satisfactory.

**Mr. DICKSTEIN.** Why do you base the quota upon that basis?

**Mr. GIGLIOTTI.** Because the American Congress has been charged with discriminating, and if you take the census based on 1890 somebody will say that we are favoring some races to the detriment of others.

**Mr. DICKSTEIN.** Do you think there ought to be more Germans come here than Italians?

**Mr. GIGLIOTTI.** No; I stated before that all races in my opinion have great men and poor men and there should not be any discrimination as to races.

**Mr. DICKSTEIN.** All classes should be treated alike?

**Mr. GIGLIOTTI.** Absolutely.

**Mr. DICKSTEIN.** And with the census of 1890 based on two per cent that would be discriminating, would it not, against other smaller countries or larger countries?

**Mr. GIGLIOTTI.** Of course, I can not give an opinion as to the intention, or as to what this committee has in mind. I remember one time the German poet Heine was going to Germany and the customs house officials started to search his trunk for incriminating evidence. He was a free thinker, and at that time it was a dangerous thing to be. Well, he looked at those customs house officials searching his trunk for a while, and they could not find anything, and then he said, "Gentlemen, you are uselessly looking into my trunk. There is contraband, but it is here," touching his head. I do not know what is in the mind of the members of this committee.

**Mr. DICKSTEIN.** Do you know what is in your own mind?

**Mr. GIGLIOTTI.** My own mind is that we should use a method that would make better citizens, because my idea is that what we want here are some people who would become citizens.

**Mr. DICKSTEIN.** Do you know whether there is a monument to Heine in the Bronx Park in New York State?

**Mr. GIGLIOTTI.** I do not know, although I lived in New York.

**Mr. CELLER.** It is in the Grand Concourse.

**The CHAIRMAN.** We are much obliged to you, Mr. Gigliotti. I think we had better hear Mr. Bernstein now.

**Mr. DICKSTEIN.** Mr. Bernstein is willing to stand aside for the purpose of letting Judge Cotillo, who is to take the bench on Monday, appear. Judge Cotillo has just been elected to the Supreme Court bench in New York.

#### **STATEMENT OF HON. SALVATORE A. COTILLO, NEW YORK CITY.**

**The CHAIRMAN.** If you will just give your name and address?

**Mr. COTILLO.** My name is Salvatore A. Cotillo, and my residence address is 235 East One hundred and sixteenth Street, New York City.

The CHAIRMAN. And your business?

Mr. COTILLO. To December 31 I was a practicing attorney, and at the will of the people of the first department I have been elected justice of the Supreme Court of New York State in the first department.

Mr. DICKSTEIN. And that is the court of highest jurisdiction in New York with \$17,500 salary, and the election is for a term of 14 years.

Mr. COTILLO. Mr. Chairman, aside from the position that I occupy, I have been a member of the legislature of the State of New York for 10 years; chairman of the judiciary committee of the State senate, and previous to that chairman of the committee on immigration exploitation. During the years that I spent in the legislature it was necessary for me to study the question of immigration, and I feel that I have certain information on different phases of the subject that will be of some assistance to this committee.

I do not come here as a judge of the supreme court or as grand master of the Sons of Italy in the State of New York, which is the largest Italian-American organization in the United States.

Mr. WILSON. Would you prefer to finish your entire statement without being interrupted and then be asked some questions?

Mr. COTILLO. Possibly that would be better.

The CHAIRMAN. You had better tell us how large this organization of the Sons of Italy is?

Mr. COTILLO. This organization has a membership throughout the United States of over 200,000, scattered in about, I believe, 30 States of the Union, each State having its grand council. I am grand master of the grand council in New York, with a membership of over 50,000.

The main purpose of that organization is Americanization. But do we not feel that our members by joining our organization should forget their mother country. At the same time we want them to appreciate the advantages that can be derived from assimilation, the opportunities this country offers.

But, as I stated, Mr. Chairman, I do not come here as the Grand Master of that organization; nor as a justice of the Supreme Court of the State of New York, but simply as an individual citizen. I want to divest myself if possible of every qualification, and I simply come here to this committee appealing on behalf of the Italian people.

The reason why I am here, is to protest against the discrimination against Italy, which discrimination, I noted during the World War when I had the honor and distinction of touring all of Italy for the Bureau of Public Information.

Mr. DICKSTEIN. For the United States?

Mr. COTILLO. For the United States. I toured and spoke practically in every munition factory in Italy. I went from way down Palermo, Sicily, up through the north where the Fiat factories are located and saw the women and the men toiling and making all sorts of sacrifices. I am speaking as an American—and I learned to love them and whatever prejudice I might have had disappeared because, having been brought up and educated in this country, there might have existed a little prejudice against them. But it was entirely

wiped out through coming in actual contact with the heart and the soul of the people and observing the sacrifices that they were making.

Furthermore, last summer in working on the immigration question I went to Italy again, and because of the love I have for those people, because those people love America deep down in their hearts. I come here to plead for them as an American, that justice and fair play to be meted out to that country.

I wish I had the authority Mr. Chairman to speak for the Italian Government, to make the following statement that if we are going to cut down the quota from 42,057 to 4,112 I would rather say to you, Mr. Chairman, why not eliminate the Italian immigration here altogether? I do not think you are fair, and I know that you mean to be fair. I know that in your hearts you do not intend to discriminate against that country to that extent, but I think there are conditions that we ought to weigh. I think we ought to look at the picture with a little more care. I think we ought to consider that a country that has gone through such noble sacrifices and has done what it has accomplished at the time when there was a world crisis and has contributed so much to this country, is entitled to more consideration and justice. It is entitled to consideration for the reason that her manhood and her man power are coming here and are daily doing valuable work.

I have prepared a memorandum, which has accurate and helpful information. I do not know whether this committee would be patient enough to permit me read it, as it would take about 15 or 20 minutes; but if the committee desires I will file it, although if the committee and the other gentlemen waiting would be patient probably you could ask questions on it, and we could get along much better. My sole aim is to aid the committee, but I think Italians are discriminated against. Knowing your spirit of fair play, I am sure there is no such intention on the part of the members of this committee. If you are trying to eliminate certain races, if that is the intention of this bill, you have got to be very cautious that you do not do injustice; and I repeat again, if you are going to cut it down, why not eliminate it entirely? And I think that is the best answer that can be given because I feel that their contribution, not only the ancient contribution, not only the recent contribution, but their contribution in America is sufficient to justify some gratitude on the part of this great American Nation.

You may go further and say—and I know sometimes the term is used—that these people are “undesirable.” Well, Mr. Chairman, I do not think you can show me any statistics—and I know the hurried way in which you have had statistics presented before this committee—that will prove their undesirability. If you will scrutinize those statistics closely you will find that one-half of the total labor immigration that came to this country within the last 40 years was Italian, and these men contribute, day in and day out, by virtue of their physical strength and by enduring all the hardships, doing the laboring work, which that makes up greater Americans.

I do not want to be flowery, and I do not want to make a speech in order to make an impression on this committee, but if the committee is patient I would rather go into this memorandum, because

it contains important material. However, I felt that I should come here to express my personal views out of the sense of gratitude.

The CHAIRMAN. You say this is somewhat statistical?

Mr. COTILLO. Somewhat statistical.

Mr. DICKSTEIN. The idea is that you may want to ask him questions.

Mr. RAKER. I suggest that he just read this paper, and if anybody wants to ask questions they can ask them.

Mr. WILSON. I understand that is the information you want to give the committee?

Mr. COTILLO. I have some figures and I can not talk on those from my mind. It is my purpose to give a fair presentation to the committee, and I am convinced, as I told Congressman Dickstein in New York, that you gentlemen are not designing to do anybody a hurt if you can help it, and if you have the facts in this committee they will sometimes aid you.

The CHAIRMAN. Are you going to show in your figures how many Italians we should admit to be the limit of gratitude?

Mr. COTILLO. That is something I can not show, but that is a matter for this committee, in which I have implicit faith.

The CHAIRMAN. Well, proceed.

Mr. COTILLO. The country is again in a turmoil with the question of immigration. The press teems with editorials asking for some permanent law. Many persons who have never given the subject any real serious study, but are moved by their own feelings of racial or religious hatred, are now clamoring for a total suspension of immigration.

That such complete restriction would injure this country commercially and otherwise, is admitted by even the most rabid restrictionist in Congress, therefore it can be deemed definitely settled that there will be no such legislation. Vicious propaganda has, however, been effectively used until to-day we find that one-third of our population, which consists of foreign-born or the children of foreign-born, is being made the scapegoat of every ill which touches the city, State, or Nation. That the spirit of false accusation is abroad in the land is now being realized by those who recognize that we are drifting away from the spirit of fair play and common sense.

Are we still the great haven of refuge for the oppressed that we preach to our civilization, or have we forgotten the origin or make-up of our great country?

While it is true that the policy of the national administration seems to be not to interfere in foreign entanglements, it is unfair, unjust, and inequitable to discriminate against immigration of certain countries which have fought with us and shed their blood with us and helped to build and make what is known now as the great American Nation.

The greatest test of devotion, of love for a country, is the willingness to die for it.

According to the census of 1920 we had 13,703,987 foreign-born whites. In 1910 we had 13,345,545. Our whole Army and Navy called to the colors in the great World War 5,000,000 men. We know now that 415,000 aliens waived exemption, entered the Army, and became American citizens. We do not know the exact number

of foreign-born citizens who were in the services, but one can readily see that the number must have been in proportion. If we take the State of New York, with less than 10 per cent of the country's population, we learn that 495,000 men wore the uniform. This despite the large number of aliens who belonged to the enemy classes and were ineligible. The story of heroism of the Twenty-seventh and Seventy-seventh Divisions is the completest answer as to how the men who came from New York, regardless of place of birth, showed their love for our country.

Before discussing the proposed Johnson bill, introduced by its author when the Sixty-eighth Congress convened, let us see what this Republic has accomplished since 1890, when the so-called newer immigration first started to come here in larger numbers. We fought and won the Spanish-American War. We built the Panama Canal. We acquired Guam, Hawaiian Islands, Philippines, Porto Rico, and Virgin Isles. We increased in population by over 35,000,000 and we brought the World War to an end so far as the force of arms was concerned.

In Problems of To-day, by that great constitutional lawyer, Moorfield Storey, we find him saying that—

During the late war, when efforts were making to raise money for the Government by selling Liberty bonds, the different nationalities in many places came together and through committees containing representatives of each carried on the work in harmony. The members of these committees found themselves closely associated with men and women of perhaps 20 different peoples, and were surprised to realize as never before that all the nations on earth are really of one blood. They learned how many people of each race were dwelling in their city, and were astonished to find what manner of people they were, how intelligent, how anxious to help, how well educated, how good in every way. They made friendships with people, formerly strangers, which were the prelude to more intimate relations, and they found also how glad these foreign citizens were to be called upon for aid and how anxious to meet their neighbors on a common ground. They discovered how isolated these strangers had felt, how they regretted the coldness of those into whose neighborhood they moved and who never called upon them or made any attempt to establish social relations with them. The intercourse thus begun was good for all who became associated in this way, and it also brought to light the pressing need of more kindly action by individuals toward making our new citizens feel that they are not strangers in a strange land, but that America is their home.

"Is there any more abused term in the English language than 'straight Americanism?' Can the distinction between this expression and simple Americanism be explained?" asks the Boston Post, and replies:

What kind of Americans were they who stood at St. Mihiel, Chateau-Thierry, and the Argonne? The words "straight American" have never been applied to them, and yet who could be more patriotic and loyal and self-sacrificing? They offered for the flag the dearest of their possessions, their lives. Thousands of them were not even naturalized. They endured the supreme test without regard to this ambiguous rating which has sprung up since the World War, which was never heard before or during the tremendous conflict.

The Chicago council committee on crime—and may I say right here that in the course of the study of the figures on immigration in the State of New York an endeavor was made to obtain from its reference library reliable statistics, but they only have the statistics in the regular census. I think that this committee, if my

information is correct, is somewhat handicapped in mapping out a good sound bill for the reason that your statistics are not available. You have the census, you have the relation of the various nationalities, but when you come into industry and endeavor to find out what the country really needs I think your statistics, as I have found in Albany, are almost negligible, and that is why I say you have to act with caution, and when we come to the question of these aliens being undesirable, the best that I could get was the report of the Chicago council committee on crime in 1916, which showed to-day that the foreign born, who form 46.7 per cent of Chicago's population, furnish only 35.3 per cent of the arrests and 33.4 per cent of the convictions. In other words, they show a smaller percentage of arrests and convictions than their proportion of the population entitled them to, and conversely the native whites show a greater. It must be remembered that in Chicago also the foreign born's misdemeanors exceed their felonies.

Of the total felonies committed by males in 1913, 65.9 per cent of those convicted were native born and 34.1 per cent foreign born, while of the misdemeanors 64.1 per cent were native born and 34.9 per cent foreign born.

The Immigration Commission of 1907 reached the same conclusion. The statistics of crime of New York compared with similar figures of cities showing a greater number of native born, demonstrated that the foreign born are just as law-abiding as the native born. Anyone interested can readily examine the figures in the Brooklyn Eagle Almanac.

Under the provisions of H. R. 101, introduced by Representative Johnson, of Washington, Government officials and temporary visitors for pleasure are not included in the quota, while the husband, wife, father, mother, or unmarried child under 18 years of age of a citizen of the United States would be classified as nonquota immigrants, provided the citizen was actually a resident at the time the application was made for permission for the relatives to come here. In the same nonquota class would be placed all returning aliens who come back within one year after leaving here. Included in the nonquota classes are those who have for four years previously and continuously been religious ministers, professors at colleges or seminaries, or members of any recognized learned profession, bona fide students if over 18, provided they are going to a college or university recognized by the Secretary of Labor. Finally Mr. Johnson's bill allows extra quota highly skilled labor, if labor of like kind unemployed can not be found in this country.

All others with no real exceptions are placed in the quota class, which is to be based upon the census of 1890, and only 2 per cent of the nationals of any given country are to be allowed to enter in any one year plus 200 in addition. Not more than one-tenth of the 2 per cent shall be permitted to enter in the first 10 months. Whether a relative of a citizen or otherwise, the first application to come here will have to be made to the consul and a long series of questions will have to be answered, including the production of his "dossier," prison record, military record, and copies of all records kept by the Government to which he owes allegiance. He must also bring two photographs of himself. If he is going to a citizen or relative in the United States, he can not get his passport viséed and receive

the necessary immigration certificate which he will have to have to come to the United States until the Commissioner General of Immigration will first have issued authority for its issuance. The Commissioner General will not grant such permission before a petition under oath will have been presented to him at Washington giving full information regarding the applicant's pedigree, etc., accompanied by two affidavits of American citizens, stating the financial responsibility of the applicant, etc. The Commissioner General will then issue what is to be known as a quota certificate, which the consul must have before he can either visé the passport of the immigrant or give him what is to be termed "immigration certificate." This certificate will be taken up when the immigrant is admitted. At the time of his admission he will be fingerprinted and there will be issued to him a certificate of arrival to which will be attached one of his photographs. For naturalization purposes he will be able to make use of this certificate of arrival.

The proposed Johnson law is a slap at the nations making up southeastern Europe. Its purpose is clearly manifest when the number admissible from each country is scrutinized.

I want to say, Mr. Chairman, studying the bill as rapidly as I have had to, that I think the committee recognizes the keeping of the family, as a whole, the humanitarian principle, that if a man immigrates from his home country he ought to have an opportunity to bring his family over, but I think in the case of this nonquota item—I may be mistaken about it—but I think in the case where you take the declarant who has been a resident for two years, you base those relatives upon the 1890 census. Am I right?

The CHAIRMAN. Yes. That is to say, the 1890 census in this draft is used as a basis for the percentage of relatives to be admitted; they might be collateral relatives or new relatives.

Mr. VAILE. The percentage of relatives of citizens.

Mr. COTILLO. The point I am trying to make, Mr. Chairman, is this—let me take a concrete case: Here you have a citizen of the United States who is an Italian—it makes no difference what his nationality is—but take for an illustration; you have a citizen who is an Italian who has a father, sister or brother; he can send for his parents, because he is a citizen, and you do not apply the 1910 or the 1890 census, do you?

The CHAIRMAN. No; that is open.

Mr. COTILLO. That is a nonquota case?

The CHAIRMAN. Yes.

Mr. COTILLO. But take the case of a declarant. He must be here two years and he must have a citizen declaration one year, if I remember the facts correctly. Now in that case you allow his parents to come in on the 1890 census.

The CHAIRMAN. The number that can come to people here with papers was limited to a certain percentage of those in that census.

Mr. COTILLO. If you limit it on the 1890 census, Mr. Chairman, I want to bring this point out as to just how it will apply to the members of this body—if you take the declarant who has declared his intention to become a citizen, and who has been a resident of the country for two years, then you will grant him the privileges this committee recognizes as proper, of having his family here, but at the same time you are limiting that right, because the moment



you get into the 1890 census—suppose you had 48,000 under this quota that were permitted to come here, and then instead of 48,000 you only allow 4,112, you are cutting down the principle; in a way you are recognizing the principle and in another way you are limiting it by law.

The CHAIRMAN. I will tell you the experience of the committee and of the committee in the previous Congress and the committee in the Congress before that. Those committees showed a desire to give preference to relatives, feeling that if we were to restrict immigration, the relatives of those already here should have the preference, but when we came to pass a bill designed entirely for relatives we found it could not be passed, and then when we reported a bill to the House with no limit to the close relatives of the declarants we could not get it considered.

Mr. COTILLO. I see what you mean.

The CHAIRMAN. Because there was no top line; it was indefinite. Now we have to cut the suit to fit the cloth a little bit, because this committee is not the whole Congress.

Mr. COTILLO. I recognize that. But the point I want to make is this: If we recognize the humanitarian principle that a declarant can send for his parents, and at the same time cut down that privilege, and you cut it down by applying the 1890 census, you are giving him something and are taking it away again.

The CHAIRMAN. Yes; we know that.

Mr. COTILLO. I just want to bring that out for whatever worth it may have.

Mr. DICKSTEIN. That is based on the 1890 census, Judge.

Mr. COTILLO. Then I would respectfully request the committee to consider that point, and I think it is very humane, and just and fair, and I think we all agree that the principle should be extended that these men shall be permitted to have their families, and I suggest that you look particularly into that point, and instead of basing it on the 1890 census, that you base it on the census that the committee considers just and fair and put the rule into execution. Because what is the use of giving them something and then taking it away?

I have here the figures of the respective countries according to the census of 1910, which I will file for the record, and then those admissions under the proposed law of 2 per cent of the census of 1890. I am trying to shorten this up so as not to take too much time.

(The figures are as follows:)

	Admissible present law, 3 per cent, census 1910.	Admissible proposed law, 2 per cent, census 1890.		Admissible present law, 3 per cent, census 1910.	Admissible proposed law, 2 per cent, census 1890.
Austria.....	7,451	1,303	Portugal.....	2,465	674
Czechoslovakia.....	14,557	2,231	Palestine.....	57	201
Finland.....	3,921	672	Rumania.....	7,419	838
Greece.....	3,294	247	Russia.....	21,613	2,192
Hungary.....	5,638	624	Lithuania.....	2,310	413
Italy.....	42,057	4,112	Spain.....	912	291
Poland.....	21,076	5,356	Germany.....	67,607	51,427
Eastern Galicia.....	5,798	1,070	United Kingdom.....	77,342	62,646

I emphasize the fact that the census of 1910 gives Italy 42,057, where under your 2 per cent of your 1890 census it gives Italy 4,112, and I respectfully request this committee if you are going to do that to please bar the Italian people from coming here, and that is the best that you can do, because I do not think that they deserve this kind of treatment.

Mr. WATKINS. What number did you say it would give Italy?

Mr. COTILLO. Under the 1910 census it would be 42,057.

Mr. WATKINS. And under the 1890 census?

Mr. COTILLO. Four thousand one hundred and twelve. I have it.

Mr. DICKSTEIN. It is less than that; it is 3,912.

Mr. VAILE. Is that 2 per cent?

Mr. DICKSTEIN. That is 2 per cent of 1890. Three per cent of 1910 is 42,057.

Mr. VAILE. That is the present quota?

Mr. DICKSTEIN. That is the present quota.

Mr. COTILLO. What would it be under the 1890?

Mr. DICKSTEIN. Three thousand nine hundred and twelve. That would be 2 per cent.

Mr. COTILLO. Well, that makes it worse still, Mr. Chairman.

The CHAIRMAN. Now, Judge, have you given any attention to the plans that have been proposed to base the quotas on naturalization in combination with census?

Mr. COTILLO. Have I given any attention to what?

The CHAIRMAN. To the proposal which plans to base the quota restrictions on naturalization in combination with the census?

Mr. COTILLO. No; I have not.

The CHAIRMAN. It has been proposed by some that we arrange a combination of quotas on the census of 1910 and the naturalization census of 1920. That would give Italy on a 2 per cent quota, 9,000.

Mr. DICKSTEIN. What year, 1890?

Mr. CHAIRMAN. That is the census of 1890 and the naturalization of 1920. Two per cent would be 9,000, 3 per cent would be 13,500, 4 per cent would be 18,000, 5 per cent would be 22,500, and 6 per cent would be 27,000.

Mr. COTILLO. That would be those who were citizens in 1890?

The CHAIRMAN. Yes; to find a quota basis.

Mr. COTILLO. What year do you take the citizenship?

Mr. DICKSTEIN. The 1920 naturalization.

The CHAIRMAN. Citizenship of foreign born with the population of country of birth of quotas that would be available under per cent specified, population basis of census of 1910 and naturalization basis of census of 1920.

Mr. COTILLO. Well, Mr. Chairman, may I be permitted right there just to make my own observation? I do not know how forcible it may be.

The CHAIRMAN. Yes.

Mr. COTILLO. Are we arriving at a logical, good, and intelligent bill when we simply take some figures of certain times, or some figures of naturalization? You say to me what are we going to base it on? My answer to that, Mr. Chairman, in a hurried way would be: If we have not the figures and statistics available just now—I do not know whether we have, and I am not speaking for the committee—if you have not the actual figures and statistics necessary to

put through a bill, at least do justice, because I know this committee is endeavoring to do justice to everybody it possibly can, and if you have not the figures then why not leave the situation as it is until the committee can get at a fundamental bill that will do the work? I think this committee has a difficult task before it, and I think it is actuated by every possible good motive, and I disagree with what I sometimes hear somebody say, some weekly press, when they begin to criticise committees, etc., because they do not understand the situation, but I have had some experience, and I think if you have not got the actual figures before you you should wait until you have worked something out.

While I appreciate the fact that by taking citizenship it shows the tendency of people to be assimilated and how fast they are assimilated, and that there is something in that, at the same time you show me that on the 2 per cent basis you give that nation 9,000 people.

**Mr. DICKSTEIN.** Based on citizenship.

Now, then, to use an arbitrary rule, to get a basis, whether it is the number of soldiers, as suggested, in relation to the number of the population on some census date or the number naturalized, if that is done, it is not for the purpose of discrimination; it is for the purpose of getting a figure.

**Mr. COTILLO.** For the purpose of getting at the figures. Here is where our trouble is, and your trouble. For the purpose of getting at the figures, ultimately you will discriminate, because you must. That is the point we are trying to get away from, because I am willing that this committee take the actual facts as they are, weight them, and simply say to themselves, Have these people produced anything, contributed anything, and are they worthy of consideration? Must we show them gratitude or shall we simply slap them in the face?

**The CHAIRMAN.** Here they make that cry of discrimination all through this last quota experience, now two and a half years. One of the countries, for instance, that has a very small quota is Australia, with only a few hundred Australians here. Yet they have made a contribution in proportion.

**Mr. COTILLO.** Yes.

**The CHAIRMAN.** We have found a particular quota figure so low as that, and if we then cut it off not to exceed 20 per cent a month no Australian would be certain that he could ever take a ship and get through in the quota. Their complaint has been just as bitter.

**Mr. COTILLO.** I think it perfectly true, Mr. Chairman, and I think you have to look at this problem that you have before you in the light that you have, approximately, if I remember my figures correctly, 35,000,000 aliens out of a population of 110,000,000; that is, foreign born. These people have been some asset. Whether immigration is a liability or asset is the question. It has its bad features. I am fully aware that some remedy is necessary. I am fully aware that under the present law modifications are necessary, but the point I am trying to bring out honestly—and it is only my own personal opinion, and I speak purely as an American—the point that I wish to emphasize to the committee, that we do not want to do an injustice or something that will hurt or gain the enmity of a nation that really loves us. There is a nation that has a feeling for America, and justly so, because it has contributed so materially to this coun-

try's success. I understand why that has developed; but why, by virtue of trying to get somewhere, should we hurt a nation that has done so much?

The CHAIRMAN. Would you say the same thing about Greece?

Mr. COTILLO. Absolutely.

The CHAIRMAN. Would you recognize that Greece has about one in four of its population there as refugees?

Mr. COTILLO. Yes.

The CHAIRMAN. Do you think it would be the duty of the United States to relieve Greece of the refugees?

Mr. COTILLO. Mr. Chairman, it is a difficult question. If you permit me, it gets down to this basis: We are trying to get somewhere and do not know how to get it. The trouble with the method that I find in approaching it, in getting somewhere justly, was that the operation of the present law does not work out as it should under the 3 per cent. Some remedy is necessary, but we have not anything yet that is basic in the figures or the statistics definite enough so that we can analyze them as we go along.

The CHAIRMAN. You are in favor of going on with the 3 per cent law as we have?

Mr. COTILLO. For the present. I admit modifications are necessary.

The CHAIRMAN. We agree.

Mr. COTILLO. We agree as to that. The point is how to arrive at this adjustment and not commit and discriminations. That is the point, and I know it is not the intention of this committee to make any discriminations.

The CHAIRMAN. You said you are connected with an investigation in New York State pertaining to the exploitation of aliens there?

Mr. COTILLO. Yes.

The CHAIRMAN. Are you still with that commission?

Mr. COTILLO. Yes. Our report will be ready February 1.

The CHAIRMAN. Have you reached any findings?

Mr. COTILLO. No. We have a conference on the 19th to complete our report. We have taken evidence and will complete the report to the legislature on February 1.

The CHAIRMAN. Can you say from your observation that there is a great deal of exploitation of aliens?

Mr. COTILLO. Yes.

The CHAIRMAN. Which is a distress and unfair to them.

Mr. COTILLO. Yes.

The CHAIRMAN. It is run by a system, a lot of the exploitation?

Mr. COTILLO. Yes; a great deal of it by their own nationals.

The CHAIRMAN. Exactly.

Mr. COTILLO. Yes.

The CHAIRMAN. And you find that these nationals here, who are entitled to some protection of the United States, are not only exploited, but threatened and blackmailed and badly treated by their other nationals here, either naturalized or not?

Mr. COTILLO. Yes.

The CHAIRMAN. What is New York going to do about it?

Mr. COTILLO. That is a very important question, and you have to approach that problem from this basis: An immigrant, if he is allowed to land here, should be protected.

The CHAIRMAN. It starts off with that contention.

Mr. COTILLO. But the trouble has been this: It is true that they have been exploited by their own nationals and that is true of every nationality; it does not apply to any particular nationality, but I found the trouble to be that the large corporate interests who enjoyed special privileges—banking interests particularly—have made that possible, and that is the reason these men are able to be bankers, because it is so easy to prey upon these poor unfortunates. And they are notary publics, and so forth, which in their own country means quasi lawyers, having had a course at a law school. The privileges that different legislatures have extended to these big corporations, to which I will presently refer, will be very interesting to you to know, and you will find that the privileges that have been conferred upon big interests has made it possible for an intelligent Italian, Jew, or German, or an individual of any nationality, first to obtain some of these privileges from these corporate interests and then to present himself as a banker when he is not a banker. Understanding the psychology of the people he is dealing with, he puts up bars and a red seal, and so forth, giving the immigrant the physical appearance of a bank because the poor unfortunate immigrant is not intelligent enough to distinguish between a real and a pseudo bank.

The CHAIRMAN. Did you find out that the Italian Government had encouraged the establishment of the banks in the United States?

Mr. COTILLO. Did the Italian Government encourage them?

The CHAIRMAN. Yes.

Mr. COTILLO. I went into that, but the Italian Government, as a matter of fact, has not encouraged the banking institutions in America.

The CHAIRMAN. Did the Italian Government seem to have any sort of supervision over certain Italian banks in the United States?

Mr. COTILLO. No, Mr. Chairman; I am familiar with that and can give you the information. The Italian Government has no bank in the United States. The Bank of Naples has a branch in United States and its only function is the transmission of money abroad.

The CHAIRMAN. That is in Italy?

Mr. COTILLO. No; here.

The CHAIRMAN. When you say transmit money abroad, you mean to Italy?

Mr. COTILLO. To Italy.

The CHAIRMAN. Is the money transmitted and placed to the credit of persons over there free of Italian taxes?

Mr. COTILLO. I do not know whether it is free of Italian taxes or not. But I know that the only institution they have here which can be called a quasi Government banking institution is the agency in New York, the Bank of Naples, and all they do is transmission business, but I can say to you that the big bulk of the transmission business, \$100,000,000, from Italians of this country alone, is not conducted by any institution controlled or supervised by the Italian Government, but by steamships and express company agencies who have the special privilege to have as many agencies in every State of the Union as they desire.

The CHAIRMAN. New York is showing a tendency to close in on that line of alien activity.

Mr. COTILLO. I have been the person responsible for that activity and am still continuing the fight for the prevention of exploitation of the immigrant.

The CHAIRMAN. God speed your efforts.

Mr. COTILLO. It is a difficult fight.

The CHAIRMAN. Yes, it is a tough job; no doubt of it.

Mr. COTILLO. Yes. They started it in Massachusetts and carried it along somewhat. In New York a steamship company or express company is not under the supervision of the banking department, and I understand the provision applies to almost every State in the Union. What is the result of that situation? That the agent of the express company or steamship company can establish as many agencies as they desire. Take the Tisbo case where a steamship ticket agent stole over a million dollars of their life savings, after opening up an institution, putting up iron bars, with a seal as notary public. He understood the provincialism of these people, used to have small parades and banquets, and prominent people to receive them. He played on the psychology of the poor unfortunate immigrants, got into the bootlegging business and in the laundry business. He made other investments, and the result was one fine morning he speculated on the exchange, and one of these supposed bankers who was nothing else but a steamship and express company agent stole over a million dollars from these poor unfortunates. It is a sad situation.

Mr. SABATH. He knew how to read and write.

Mr. COTILLO. A little bit.

The CHAIRMAN. Did you find that these aliens of that kind go to Italy and spread the word around that times are good here and labor is needed?

Mr. COTILLO. Yes.

The CHAIRMAN. They do that.

Mr. COTILLO. In some respects they do.

The CHAIRMAN. Do you think they play any part in conveying money to buy tickets?

Mr. COTILLO. That is their main purpose.

Mr. VAILE. Did the people that this man swindled all know how to read and write?

Mr. COTILLO. I would not say that.

Mr. VAILE. You would not say that they did?

Mr. COTILLO. No.

Mr. VAILE. If they had all been able to read and write, possibly he would not have succeeded in swindling them?

Mr. COTILLO. True.

Mr. SABATH. But they were not guilty of frauds. They were those defrauded. They did not commit any wrong.

Mr. COTILLO. No.

The CHAIRMAN. Do you think that the great State of New York, if immigration is not restricted, can keep up with these processes practiced on aliens?

Mr. COTILLO. That practice is not limited to the State of New York. It is true that 70 per cent of the total immigration comes through the port of New York, yet at the same time if you investigate

every State in the Union you will find that condition. It is a wonderful proposition.

The CHAIRMAN. I use New York as an instance, because New York has made tremendous efforts to expose all these types and has dipped into the legal fraternity a little bit.

Mr. COTILLO. I am not speaking with egoism or egotism at all. I initiated that fight five years ago. That fight will continue as long as I can live and help these people, because I think the Government and the State, when we admit them, owes them protection.

The CHAIRMAN. That is the view of this committee.

Mr. COTILLO. I think we should protect them, and if there are special interests that exercise those powers we ought to drive them out, because the first year the immigrant comes to this country is the important year. It is the manner in which we receive them that counts, and he will appreciate the advantage he derives here and be able to formulate his idea of this noble country. The parents, fathers and mothers, and relatives of these people will begin to see the advantages of the public schools to their children, and they will appreciate America.

My father was an alien. It would not surprise you to tell you that I was born in the city of Naples and I was 6 years old when I came here. I graduated from the public schools, Manhattan College, and Fordham, and am 38 years old and the youngest man on the Supreme Court bench of the first judicial department of New York, though being of foreign birth.

The CHAIRMAN. You can do a great work.

Mr. COTILLO. I am endeavoring to do it. I have felt that this proposed bill would discriminate. I am talking for the Italian situation because I know that better than any other.

The CHAIRMAN. To get right down to plain words, you and others who are in close touch with alien people of various nationalities get your sympathy for the whole people and desire to protect those here confused in your minds so that one effort defeats the other.

Mr. COTILLO. No. Mr. Chairman, I know you have been patient. I was going to give you some concrete statistics showing how the Italian population has worked throughout the United States, from "Foster on Immigration." I collected these last night. My idea is simply this, and the main proposition I want to show is this, namely, the gratitude that we owe the Italians for their recent performance in the World War, and the gratitude of people in this country is a wonderful contribution. If you study it out to the end of the subject, as this committee is endeavoring to do, in the analysis of what the Italian contribution has been to this country, you would not dare to make them feel that we are discriminating. There are bad and good in every race. There are people who do not bring glory and there are elements that hurt the reputation of the Nation. But I know it is not the intent or desire of this country to discriminate against that nation of 40,000,000. I only developed that on going abroad for the American Government, when recently I studied this very problem.

Mr. RAKER. What is the name of the man who stole a million dollars?

Mr. COTILLO. Tisbo; Tisbo Bros.

Mr. RAKER. Where was he from?

Mr. COTILLO. Bitonto, Province of Bari.

Mr. RAKER. Where is that located?

Mr. COTILLO. In a certain part of Italy.

Mr. RAKER. He was an Italian?

Mr. COTILLO. Yes.

Mr. RAKER. Naturalized?

Mr. COTILLO. Yes.

Mr. RAKER. He got that position undoubtedly because he was an Italian and could speak the language and deal with the Italians and their money?

Mr. COTILLO. Yes.

Mr. RAKER. You are spending your life to advance the Italian people.

Mr. COTILLO. Yes.

Mr. RAKER. He, an Italian, was spending his life to rob them?

Mr. COTILLO. Yes; no question about it.

Mr. RAKER. Have you prepared the statistical table upon which you stated you felt it would be just to base the quota of soldiers who served in the late war?

Mr. COTILLO. I have the figures of the percentage of the Italians that went to war from New York State.

Mr. RAKER. You have not the figures generally at all?

Mr. COTILLO. No; I have not.

Mr. RAKER. You do not know how that would work?

Mr. COTILLO. No; except that I know, as stated before, that 495,000 were from our State. I have some figures here showing 30 per cent pertaining to the State of New York. I have been dealing with the problem for the State of New York alone, and while it affects the general proposition, I have been devoting my time just to the State of New York, and my main object has been to study the exploitation.

Mr. RAKER. You find men of various nationalities in your community, who are giving a great deal of time, attention, and much thought and labor to help their nationals become American citizens and comply with the law.

Mr. COTILLO. Yes, sir.

Mr. RAKER. You find at the same time men of these various nationalities doing what they can to graft on their people because they are of that nationality and know their language and customs.

Mr. COTILLO. That applies to all races.

Mr. SABBATH. They have defrauded a lot of people in New York. There are others. They were not all Italians.

Mr. COTILLO. No. The only reason I speak of Tisbo is because I am familiar with the case. When I heard he closed up I went down there and examined the place to get physical evidence and realize how he was doing business, and found he was using the company's sign with his own personal business and correspondence on one side. It applies to almost every foreign nationality.

Mr. SABBATH. Only to foreign nationalities?

Mr. COTILLO. Practically.

Mr. SABBATH. Have you not read a great deal in the newspapers in the last few weeks where a great many men in every section of this country have been indicted for frauds, wildcat schemes of selling



stocks to millions of American people, and have you observed the names in various States?

Mr. COTILLO. There is no question about that, but the point I make, if you will permit me, is that it does not apply only when the foreigner lands. As a matter of fact, the immigrant is exploited from the moment he arrives until he is put into his grave. Even the undertaker exploits him when he is going to bury him.

The CHAIRMAN. Still they want to come.

Mr. SARATH. The Americans are exploited too, are they not?

Mr. COTILLO. I will make this distinction to that argument, where the problem is so difficult. If you and I gamble \$2,000 on Wall Street on stocks we are able to learn it in some other way, but here these unfortunate people slave to accumulate and deny themselves to save a few dollars. Those are the people that are exploited.

Mr. DICKSTEIN. Many bucket shops in New York had American natives at the head of them?

Mr. COTILLO. Yes, sir.

Mr. DICKSTEIN. Those men sell this so-called watered stock to foreigners, do they not?

Mr. COTILLO. Yes.

Mr. DICKSTEIN. And in the last two years over seven billions of dollars were taken away from everybody in New York by them, foreigners and natives.

Mr. COTILLO. Yes.

Mr. DICKSTEIN. Taken away from them by so-called American natives at the head of these bucket shops and bucket banks.

Mr. COTILLO. As a matter of fact, when you come to bucket shops in stocks and shares, this is what you will find. This clever American, naturalized to distinguish him from an alien, goes to work in a foreign community, picks up John Jones or Sam Smith, who is familiar with the community in various ways, issues stock and uses him to exploit them, but the brains behind it all is this so-called naturalized citizen.

Mr. RAKER. I understand that what you are conveying to the committee is that there are men of these various nationalities who take their nationality and use it with the same nationality for the purpose of extracting their life blood from them.

Mr. COTILLO. In certain particular phases of exploitation; yes.

Mr. WILSON. And they used this nationality and their knowledge of the immigrant to secure his confidence and take advantage of him. That is what you are fighting against.

Mr. COTILLO. Absolutely.

The CHAIRMAN. Has your New York official inquiry led you into efforts to find out whether aliens whose steamship fares have been advanced to them to get them to the United States had been exploited to pay it back?

Mr. COTILLO. You mean that somebody has advanced money for them to come here?

The CHAIRMAN. Yes.

Mr. COTILLO. Whether it was paid back?

The CHAIRMAN. And how it is paid back, whether they were forced to pay it back by work of a certain kind.

Mr. COTILLO. No; we had no specific cases of that kind, but you would find, and in fact, I know of my own knowledge, that generally his relative sends money over with power of attorney or affidavit to comply with the Italian immigration law, and then he pays it back sometime. That is my own personal idea of the situation.

The CHAIRMAN. You did not by investigation then find any immigrants working out the passage money in sweat shops in New York?

Mr. COTILLO. I have not found that in making my investigation.

Mr. RAKER. Is the other method you suggested quite prevalent?

Mr. COTILLO. Which one?

Mr. RAKER. Where they send the money to the relatives in the foreign country and when they come here they pay it back.

Mr. COTILLO. It is usually done through a relative.

Mr. RAKER. Through a relative.

Mr. COTILLO. Of course, he pays it back when he has it. Yes, that is usually done by a nephew, not a brother or sister.

Mr. RAKER. It has been said here before the committee that that does not occur in New York. You are familiar with the subject, and from your judgment and experience, will you tell the committee whether or not that is true?

Mr. COTILLO. I desire to say this, understanding the psychology of the Italian people particularly, and having lived in the community, in what is known as Harlem's Little Italy. I am a product of that section and have represented that section, and that section has helped to develop me in the position I am in today.

Mr. SABATH. You lived there and were raised there?

Mr. COTILLO. I live there now. The cases are numerous where relatives do their best to get their own over here and pay their passage and it is returned when they come over and earn it. That answers your question.

Mr. RAKER. Yes. Does not that apply to other nationals?

Mr. COTILLO. Absolutely, I should think it would.

Mr. RAKER. It applies to other nationals in New York that send for their relatives.

Mr. COTILLO. I do not know by what reason they can say that it does not because it is a natural instinct. It is a natural condition. If I had a father who was abroad and had made my headway in this noble country of ours the first thing I would do would be to send for my father and have him with me. That is the natural thing to do. That ought to apply with the Poles, Jews, Irish, or any nationality.

Mr. RAKER. I mean returning the money, by virtue of the fact that when he gets here, after one year or two or three years he finally prepares himself to pay it back.

Mr. COTILLO. Naturally, unless it is a father or mother, in which event, of course, the case is different, but in the case of a brother or sister who has come here to be a laborer, naturally, it would be paid back because the family's condition is that the people who sent it are workers themselves and they need the money. It is a natural process.

Mr. HOLADAY. I will ask the same question I asked of Doctor Wise yesterday. We will suppose that there are 50,000 or 100,000 or 1,000,000, or whatever the number may be, Italians in Italy, who

desire to come to this country, and in framing the immigration law covering their coming, if we would be guided solely by what is best for that 100,000, would we do any injury to what is best for the United States, or is there any distinction between what is best for the United States and what is best for the 100,000 immigrants that desire to come here?

Mr. COTILLO. You mean what is best for the United States and best for the 100,000 in Italy?

Mr. HOLADAY. Yes. Is there any difference between what is best for these two groups?

Mr. COTILLO. Of course, you are driving at this question that unless you have a basic, solid, fundamental theory to work on you can not answer the question. It is to our interest that we should see that these men coming here are protected and at the same time that our own country is protected, and that these people become the right kind of citizens. We desire to look at our point of contact first.

Mr. HOLADAY. You believe, then, the one thing we must look at, and the first thing, is what the effect will be on our own country?

Mr. COTILLO. Absolutely. I think that is fair, but has this committee any figures? Pardon me for putting the question, but have you any figures to show in industry, in labor, or economic conditions of the country where Italian labor has produced so much, where these men would not be desirable and at the same time produce a great deal for America throughout the country where Italians went. You have not that figure at all.

Mr. HOLADAY. No one here knows that.

Mr. COTILLO. If you can not get a scientific basis, close the door and take contract labor when you need them. Why go ahead? Shut the doors and when you need 1,000 men send for them of the kind you want.

Mr. HOLADAY. Do you believe that there would be any danger to the future of America to absolutely open up the doors to all countries and let the immigrants come as they desire, taking into consideration, we will say, the old qualifications as to their health and mental condition?

Mr. COTILLO. No, I think the condition now, from my general observation as conditions are to-day, is that we should open the general door.

Mr. HOLADAY. But you do not think so?

Mr. COTILLO. No. We should consider ourselves first and be charitable afterward. At the same time we will try to arrive at the conclusion, and do not hurt anybody, if we possibly can help it. Let us be grateful, at least. If you can not arrive at a conclusion for some permanent board to work out something, let your present law stay where it is until you are able to arrive at a good, clear and exact basis.

Mr. DICKSTEIN. Let me call your attention to a very important point before this committee and I think you can give the information. The Italian Government has a restrictive emigration for those Italians who wish to get out of the country.

Mr. COTILLO. Yes.

Mr. DICKSTEIN. In other words, if they refuse to let them out they can not go?

Mr. COTILLO. That is right.

**Mr. DICKSTEIN.** If you will notice a provision in the bill H. R. 101, section 6, under the heading (b), page 8, lines 6, 7, and 8, you will notice that before an immigrant may enter the United States, he must apply. Where? To the Government where he owes his allegiance, and obtain from that Government his prison and military records or copies of all records concerning him, kept by the Government to which he owes his allegiance.

**Mr. COTILLO.** Yes.

**Mr. DICKSTEIN.** If the Italian Government has restricted emigration, would they possibly give him a visé or permit to leave the country when they want to keep their own people in their own country? With this provision in the bill, could they if they applied for such a record, get it without objection from the Italian Government?

**Mr. COTILLO.** No.

**Mr. DICKSTEIN.** You have answered the question that they could not.

**Mr. Box.** On that very point, if that provision remains in the bill, what effect in your judgment will it have in causing foreign countries to release the least desirable and retain the most desirable?

**Mr. COTILLO.** Yes, I think you are right. It would have this effect, that the commissioner of emigration in charge there, if he desired to use that power, could use it and send you what he likes.

**The CHAIRMAN.** Has not the Italian Government itself issued passports to persons with prison records, knowing that they had them, and does not the Italian Government have to have those records before it issues the passports, before it gives a dossier?

**Mr. COTILLO.** Yes.

**The CHAIRMAN.** The immigrants on the ships throw these away and arrive here without them.

**Mr. COTILLO.** If you want my opinion about that provision, the Italian Government has no objection to that provision.

**Mr. DICKSTEIN.** That was not the purpose of my question as to the objections. My point is that they have a restricted emigration, and that if one Italian who might be a good citizen wishes to migrate to the United States he can not get that record if they wanted to keep him.

**Mr. VAILE.** If they wanted to keep him, they could keep him whether he wanted that or not.

**Mr. COTILLO.** Surely.

**Mr. DICKSTEIN.** Would not the Italian Government, assuming the chairman's statement, be sending criminals and riff-raff?

**Mr. COTILLO.** I do not think they would do that.

**Mr. DICKSTEIN.** Would they not, in issuing such a prison record, give such crimes as the man has committed, in the passport application?

**Mr. COTILLO.** Absolutely.

**Mr. DICKSTEIN.** In other words, the Italian Government would not try to misrepresent to the United States Government, if one applied for such a certificate?

**Mr. COTILLO.** No. As a matter of fact, I have read that 1 per cent was rejected, since this new commissioner of emigration has been there. Of those applying to leave Italy only 1 per cent were

rejected. I am not speaking here for the Italian Government; I am speaking as an individual.

Mr. SABATH. I am not interested in any foreign government, and I do not think any members of this committee are interested.

Mr. COTILLO. Neither am I. I am an American first.

Mr. SABATH. But charges have been frequently made here that the Italian Government does aid and assist the undesirable to leave Italy and ship them across into this country. Do you know anything about those charges?

Mr. COTILLO. Let me answer that no. Commissioner Demichelis the Italian commissioner of emigration, has been here and studied the question. I went to Italy and met him, he is one of the most conscientious individuals that could be met. Such a thing could not happen because the dignity of the Italian Government is superior to any such charge and they would not do anything of that sort, because I know how they feel about immigration. They want to comply with every condition and fully realize that some method must be made in order to change these conditions, and at the same time would not permit such a condition to exist.

Mr. RAKER. I understand from your statement in response to question asked that the Italian Government has a commission on immigration.

Mr. COTILLO. Demichelis is the commissioner.

Mr. RAKER. And at the present time every man that leaves Italy must have the consent of that commission?

Mr. COTILLO. I think that is right; I am not sure of that.

Mr. RAKER. So they can exclude any one coming now if they want to. I am trying to analyze this provision. This provision would not, then, affect that at all?

Mr. COTILLO. No: I do not think so because the reason, as I understand it—you may have a point in mind that I do not get—the reason that the Italian Government is very careful is because the Italian Government wants to comply with any condition that this Government places. In other words, you have the literacy test. There may be some person from the southern part of Italy who wants to come to America. A hardship is committed to let him come through if he is illiterate. The commissioner of immigration goes through the application and his permission has to be given first because of the literacy test.

Mr. RAKER. This provision in the bill would not affect the situation at all of these people coming here?

Mr. COTILLO. No. I do not think there is any objection to leaving that provision in there. Personally, I am just as anxious to have good men and not have criminals come here, and I think that this country should be protected to every extent, so that we do not get any.

Mr. DICKSTEIN. Suppose 40,000 to 50,000 good Italians, all men that the United States would like to have in the country as citizens, would like to emigrate into the United States, could they without getting permission from the Italian Government? Answer that point if you can.

Mr. COTILLO. I am sure of this fact, that the permission of the commissioner general of immigration is needed to come here.

Mr. DICKSTEIN. That is the point. I have taken that up with the Royal Embassy at Washington and find that they can not get in unless the commissioner wants them to.

Mr. WILSON. Do you want to finish your main statement?

Mr. COTILLO. I was going into the part of Italian troops a little bit, in the war history, which I think the committee ought to know.

The CHAIRMAN. Just put that in the record.

Mr. COTILLO. Yes.

(The statement referred to is as follows:)

In other words, rank discrimination is practiced against those who fought with us as allies in the late Great World War.

Only 4,112 will be able to come from Italy as new immigrants in addition to those who may be in the exempt class, which will not consist of more than a few hundred per annum.

Should we disregard the fact that Italy twice saved the Allies in the Great War?

In 1914 she repudiated the Triple Alliance and declared her neutrality, thereby permitting France to use the army she had assembled on the Swiss frontier for other service.

Again in 1915 Italy announced her neutrality and cast her lot with the Allies, thereby placing the Central Empires in the precarious situation as recently stated by Ludendorff. This action unquestionably made final victory for the Allies possible.

Two events which, to my mind, had a greater bearing upon the successful outcome of the war than any other happening and which marked the turning point for the fortunes of the Allies were, namely, the victorious stand of the Italian Army on the Piave, when overwhelmed in numbers, guns, and material and possessing inferior positions protected by hastily constructed fortifications it repulsed the Austrians, and the victory of the American marines at Chateau-Thierry and Belleau Wood.

Let us be honest with ourselves and admit the supreme part played by Italy in the war. Without her participation it is doubtful whether the Allies could have held out until America's entrance. But it is not because of the part she played that Italy asks to be recompensed. She seeks no recompense for her sacrifices, nor does she ask rewards for the part she so valiantly bore. She simply asks for American fair play for what rightly belongs to her.

Let us not forget, further, that there were over 30,000 Italian-speaking soldiers enlisted in the American Army. This represented nearly 10 per cent of the total American military forces. While the Italians constitute only 4 per cent of our population, they were found to be in the American Army to the extent of 10 per cent. Their casualties amounted to 12 per cent. General Pershing said of the Italian-American soldier that there was no braver soldier in the American Army. So did General Allen.

The Italian comes here and brings to our shores a strong hardihood and physique that is rarely excelled. His temperament is that of buoyant, joyful, optimistic type that makes life at all times seem very interesting.

During the past 40 years laborers have been a higher proportion of Italian immigration in the United States than any other important immigrant people.

Rarely less than one-half, usually one-half to two-thirds, of a year's Italian immigrants have been general laborers. Years of labor in the sunny fields of Italy, a life almost continuously out-of-doors, have served to enrich the Italian with a physical constitution, and endowed him with rugged health that stands him in good stead. This fact alone has made possible his standing up under the severe strain and stress to which his physical constitution is subject in doing such work as digging tunnels, erecting sky-scrapers, and building railroads. Within the past half century the unskilled labor of the Italian immigrant has contributed so much toward the building up of the country. They have built our railroads, dug our tunnels, mined our coal and other metals, erected our buildings, increased our manufactures, built up our industries, and enhanced our commerce. This work has made the greatness of America. Subways have been built, sky-scrapers have been erected, modern conveniences of living have been secured. In the Borough of Manhattan of New York City two cities have come out of the rubbing of the Aladdin's lamp of the Italian immigrant, one underground and another overground. In the Borough of the

Bronx of New York City a new city has sprung into existence. Brooklyn has advanced by leaps and bounds. I am not unmindful of the important work done by the skilled workers and the professionals; however, the skilled and professional work could not have been done without the unskilled work of the immigrant. The broad bosom of the earth has to be opened by an unskilled workman before a foundation can be laid; without that work there can be no skilled mechanics to do the plastering and masonry work. Indeed, the professional engineer who plans a structure on paper is ineffective and futile without the power of the earth. I do not mean unduly to praise the immigrant. He belongs to the laboring class, the backbone of a nation. He brings two strong arms, a level brain, and a driving ambition. Are these not desirable qualities for our future population?

The metal trades have attracted many Italians. Many have been employed outside the mills in Birmingham, in Pittsburgh, and in the maritime Provinces of Canada. Many have worked in the foundries—and, for instance, in Detroit—where they have also been occupied in the automobile factories and other places in the iron- and steel works. In various centers Italians have made cutlery and tools, gas and electric fixtures. In the metal-working shops of Connecticut several years ago the Italian women were nearly one-tenth of all women employed. As lumber and sawmill hands the Italians have been employed in Canada, in California, and especially in Louisiana and the South generally. Many have worked in the paper and wood-pulp manufacture; others in the rubber factories of the East. In the Middle States Sicilians and Calabrians have become prominent as employees in the glass manufacture. In the cigar and tobacco industries in the region east of the Mississippi the south Italians have been one of the leading foreign groups employed; in Tampa, Fla., several thousands have been engaged in the work. In the Middle West and in Massachusetts, especially Brockton, south Italian men and women have been prominent among recent immigrants employed in the making of boots and shoes. The Italians have played an important part in the textile industry except the cotton manufacture.

In the silk manufacture north and south Italians have been more numerous than any other recent immigrants. They have been employed mostly in New Jersey and especially in the city of Paterson. In New Jersey they have been one-sixth of the operatives—more than half have been weavers, warpers, or twist-ers-in, which are the high skilled and best-paid categories of labor. Many work at silk dyeing; many are the makers of woollens and worsteds in New England, notably at Lawrence. Some thousands of south Italians have had unskilled employment. The same may be said of the workers in the rope, twine, and hemp mills of New England and New York. What the Italians have done in the clothing industry might serve for an important chapter in the history of labor in America. In point of number of employees the making of men's clothing has in normal times been the seventh of our manufacturing industries and in the number of women engaged it has come after the cotton industry. Nearly one-half of the women, aged 16 or over, when the Bureau of Labor studied the industry, were Italians. Italy in the past has contributed mightily to the enlightenment of the world and the march of civilization. This has been best expressed by a recent writer, as follows: Italy, the mother of civilization, of art and of science, and the cradle of intellectual liberty, began fighting the invaders of the north 1,000 years before the discovery of America. She has given to the world Marcus Aurelius, Dante, Columbus, John Cabot, Leonardo de Vinci, Galileo, and more recent Volte, Galvini, Garibaldi, Verdi, and Marconi. Just as the New West was given to civilization by her great navigators—Columbus and Cabot—so were the indefinite realms of space revealed to men through the gift of the telescope from Galileo, that monumental genius who also helped to perfect compound microscopy which made medicine and modern chemistry possible. Likewise it was Marconi's gift of wireless telegraphy which makes the observation airplane a truly potent factor in battle. One of the marvels of history is this extraordinary Italian race that for 2,000 years has blessed the world with a succession of geniuses—musicians, authors, creators of inspiration and advancement from which all other people have benefited.

In educational fields the Italian and sons and daughters of Italy are numerous. They are represented in the universities, colleges, high schools, public schools, and a few are principals of our public schools. In medicine and law there are also a goodly number. In public affairs we are also becoming more and more represented. Some of our men are judges; legislators,

and local officials. In banking and commercial fields the Italian is also making tremendous headway. Several of our banks are among the greatest banks of the country.

It would be not unwise to assume that the civilization of the Italian immigrant is something desirable, and to assist them in every way to make it possible for them to contribute the greatest possible portion in the great task of the evolution of the staple American type.

Nor should we be led to believe that Italy is not aware of the responsible position of the immigrant in the country of his choice. I for one, that have been there recently, can say that that country's attitude toward emigration is not indeed to send abroad her criminals, but instead to allow only her very best and the best fit to come to our shores, thus preceding us in that policy of selective emigration that is advertised by some of our restrictionists. The truth of this statement finds its support in various statements made by such men as Mr. Davis, Secretary of Labor; Mr. Curran, Commissioner of Immigration; Mr. Tod, former Commissioner of Immigration; Congressman Cable, who, one and all, on several occasions, have affirmed the wonderful fitness of the immigrants Italy has been sending of late.

But the honorable members of this committee should consider this curtailment of Italian immigration from another point of view—I, e., from the economic one.

England, Italy, and several other countries have apparently unfavorable trade balances; for Italy the yearly imports exceed by about \$220,000,000 the exports. The balance is made up by the so-called invisible flow of gold which for Italy consists chiefly of the emigrant's remittances and of the tourist's expenditures.

Thanks to this import of gold, Italy is in condition to purchase the wheat, oil, copper, iron, and other materials she needs from the United States, as the high protective tariff prevents her from obtaining all these materials in exchange for her products.

Severely restrictive immigration legislation will within a few years reduce greatly the emigrant's remittance, and it can be estimated that such reduction will amount from fifty to seventy million dollars—that is, from one-fourth to one-third of the invisible flow of gold.

The unavoidable consequence will be that Italy, unable to purchase in the United States the products and raw materials needed, will look for other markets that are not closed to her and where she can exchange her manufactured goods against the wheat, oil, etc., she is getting at present from the United States.

The negotiations the Italian Government has opened with Russia for a commercial treaty, and eventually for official recognition of the Soviet Government, are an indication that Italy is preparing for the above-mentioned eventuality.

This will mean a severe loss to the American exporters, and it can be safely predicted that once a new current of commercial exchanges will have been created between Italy and other countries it will be practically impossible to get the trade back into the old channels so profitable to the United States.

A severe restriction on immigration will be a severe economic blow to Italy, that is endeavoring so strenuously and so pluckily to do her share in the reconstruction of Europe and in bringing back of peace and order. This deadly blow will be dealt to her by her former ally toward which she has acted always in a friendly and loyal manner.

For all I mentioned, I respectfully urge your honorable committee, before reporting this bill in its present form, to take into consideration that we should be mindful of the fact that immigration has been and to my mind is an asset in the making of our country, and if you permit me I will quote from the contribution of the immigrant so well expressed by Mr. Haskin in his book, "The Immigrant."

The Immigrant says to you:

"I have shouldered my burden as the American man of all work.

"I contribute 85 per cent of all the labor in slaughtering and meat packing industries.

"I do seven-tenths of the coal mining.

"I do 78 per cent of all the work in the woolen mills.

"I contribute nine-tenths of all the labor in the cotton mills.

"I make nine-twentieths of all the clothing.

"I manufacture more than half of the shoes.



"I build four-fifths of all the furniture.  
 "I make one-half of the collars, cuffs, and shirts.  
 "I turn out four-fifths of the leather.  
 "I make half of the gloves.  
 "I refine nine-twentieths of the sugar. I make half of the tobacco and cigars, and yet I am the great American problem."

Mr. COTILLO. Mr. Chairman, I say let the immigrant bring a willingness to serve his country, let him bring a readiness to die for it, let him go back to see how fundamentally different the state in which he lived is compared to ours, let him stay here long enough to acquire that knowledge, let him do these things, and we will have an American fit for our civilization.

For with these things will come the contribution of the inheritance of each of them: The Englishman's perseverance, his firm allegiance to the idea of constitutional government as evolved by the people, his patience, the strength of his determination once made and his political far-sightedness; the German brings his thoroughness, his genius for organization, his cleanliness, devotion to his family, and his efficiency in mechanical work; the Frenchman has keen judgment in all matters of intellect, his ability, which has kept France always in the first rank of progress; the Italian his adaptability, his inventiveness, his liveliness of imagination, his love and genius for the fine arts; and the Jew, found as he is among all the races of the world, brings all these qualities in addition to his love of religion which does so much to preserve the finest in civilization, and moreover, we owe to him that keenness for speculation, the will to hazard on what we have to get the better things of life.

Therefore, I think I have stated clearly to you with facts why this bill is unfair, unjust, and discriminatory. While it is true that I have confined my remarks more to the Italian people, nevertheless, I feel that every race has contributed its share to the making up of these United States. I know you are not unmindful of all these matters, and while I appreciate that the problem needs some regulation I fail to see how this committee can discriminate against a nation like Italy by cutting down here quota from 42,000 to about 5,000. Is this the way we are paying our debt?

Permit me to quote from a letter from one of our greatest Americans, Theodore Roosevelt, dated May 24, 1918, as follows:

I take this opportunity to pay homage to the high valor and lofty idealism that Italy has shown in this great struggle for humanity and civilization against Germany and her vassal confederate states, Austria, Bulgaria, and Turkey. I most earnestly hope that Italy will be able to round out the great work of Victor Emmanuel, Cavour, Mazzini, and Garibaldi, and that the Italian-speaking Provinces of Austria will take their natural places in the Italian Kingdom.

\* \* \* Our country owes a deep debt of gratitude to Italy for what she has done, and I earnestly hope that we shall pay this debt as generously as possible, and in as fine a spirit as Italy herself has shown.

As you have noted, I have traced geographically just where the Italian laborer has cultivated the different sections of our country, showing his productiveness, and further the marvelous service rendered recently, and I would request the committee when they have the opportunity to read this particular part of my memorandum which I have not read now, in order to save time.

I will conclude by thanking you immensely for the courtesy you have extended to me. I do not want to be misunderstood. I have

endeavored to give you my personal views. I feel strongly that if you are going to limit that country to any two or three or four or five or nine thousand, why, eliminate them entirely. If you are trying to get somewhere, let us get some basis, but I would not want that little country of 40,000,000 people discriminated against to that extent. This committee has no desire to be unjust and unfair, but there is not any question but by trying to develop this important problem that we are doing some discrimination.

**Mr. WILSON.** Your opinion is that if we are going to continue our percentage plan that we should maintain the present arrangement with the administrative improvements until further investigation?

**Mr. COTILLO.** Mr. Chairman, I will close with this. I do not know whether you have any actual good statistics here. I know I have had trouble in finding them. I was trying to get something basic to work on. If you have not something tangible at hand, but know where the immigrant is most needed for the betterment of our country at the same time with financial gain to himself, create a commission or board, if you please, to correct defects in your present law, because, Mr. Chairman, there are some administrative remedies that are needed, and then when you have something really substantial where you have your statistics that will prove your case, from whatever industries involved, then you can get down to a good administrative bill which will protect the rights of our country and not discriminate against any of the immigrants who are coming here.

**Mr. WILSON.** You understand the attitude of the committee, that we must either continue a percentage plan, that is, adopt some new plan, or let the percentage plan lapse and go back to the act of 1917, which had only restrictions of undesirables.

**Mr. COTILLO.** Do you mean to say, then, that this committee would not have the power to recommend the extension for another year of the present law?

**Mr. WILSON.** No, I did not intend to intimate that.

**Mr. VINCENT.** That would be one of the alternatives before us.

**Mr. WILSON.** I am speaking of the situation of the committee. I would like your opinion because you have given more thought to this question than probably many witnesses that come before the committee. The position of the committee is that the present 3 per cent law expires.

**Mr. COTILLO.** On June 30, 1924.

**Mr. WILSON.** Between now and that date we must either decide upon the extension of that for a certain period or the adoption of a new plan, or let that lapse and reassume our condition under the 1917 law.

**Mr. COTILLO.** Yes.

**Mr. WILSON.** That is the problem.

**Mr. COTILLO.** In other words, there are two alternatives before the committee: Extend your law for some time and correct some of the defects in the present law, or go back to the 1917 act with provisions only for undesirables.

**Mr. VINCENT.** Or pass a new law.

**Mr. COTILLO.** Or pass a new law. My humble judgment was not changed from the little study I gave to the bill. From my judgment and knowing the hardships of the Italian alien and other races, without jumping at any conclusions, but showing to the world

that we are simply going upon hard and fast facts and do not desire to be doing any discriminations to any one, I would just extend the present law for a while, modify the administrative parts, then have a commission of some nature or description, collect your data and statistics of industries in the country, put it on a real economic basis, and then come in with your recommendation, with a definite groundwork. Then nobody can say we are discriminating because we are looking at conditions that we know to be such and such. But, unless you have the real condition before you and take the contributions of the various races in the country, you can not accomplish anything. Everything is criticized. I know you are not trying to be unfair or to discriminate.

Mr. WILSON. Your position is that by going back to the census of 1890 we discriminate against the Italian people.

Mr. COTILLO. Exactly. It discriminates against other races, too, but I am personally concerned with this phase, as an American, to correct this condition.

Mr. WILSON. In studying bill 101, which is the chairman's bill, to which you have addressed yourself, you have taken into consideration in connection with your statement that that proposes to let out, without the quota, the husband, wife, and minor children of American citizens?

Mr. COTILLO. Yes. I have taken that into consideration. You mean the nonquota. I still think there is a discrimination there. When you stop to realize this situation, that the country that contributes these rugged people who come from the southern part of Italy, particularly, honest and conscientious, in limiting it to Italians, speaking for the Italians myself, when you stop to consider that these people look upon this country as an opportunity for living and bettering their condition, and come here and give you all that they possess, then I will recall to your mind another condition that you will recall during the war. Do you know how many consumptives we sent, from laborers that worked in subways, that are in institutions of Italy to-day, after they have earned a little money here? It is a terrible situation. In the Province of Calabria, men who speak English, consumptives, have gone back to their mother country, because they worked in the shops and tunnels and the big subways here in America. I think these people have contributed something. When we stop to consider the origin of our country these people are entitled to some consideration. My God! They are not all criminals.

Mr. WILSON. There has been propaganda that we are aware of throughout the country, and very intensive of late, relative to the selective system of immigration, and along with that has gone the appeal that it should be upon the basis of the needs of industry for skilled and unskilled labor, and also agriculture and the farming industry. Along with this has been the contention that it would be a proper policy to take the immigrants as they come to our shores and distribute them in certain portions of the country and make it obligatory on them to follow a certain occupation and remain in certain localities for a certain period. In your judgment, would Congress have authority to pass a law making a system of that kind effective?

Mr. COTILLO. That is a very delicate question. I think, if you ask me whether it is constitutional to do it, that that is trenching a little too much in the personal rights of the individual. This is only a general opinion. I have not made an exhaustive study of it. But I will say this, that a method could be provided where you do not have to do it by compulsion or by law. Agencies may be created so that when a man aspires to come here and work to the betterment of his financial condition, you can impose your conditions before he comes in, but whether you can place him there for a limited time is a question. That is a general opinion that I am granting.

Mr. VINCENT. That strikes me as a species of slavery.

Mr. COTILLO. That is a fact; there is servitude in that.

Mr. VINCENT. Is it not a fact that any form of distribution that would be adopted would have some element of duress, economic or physical, on the individual, even if it was voluntary?

Mr. COTILLO. Absolutely. If you will permit this suggestion from a practical standpoint, if you try to arrive at a conclusion of that nature, the way to do it would be an amicable understanding or treaty between the various countries. If the results of your investigation require farm laborers in the States of Dakota, where miles of land have not been touched by the human hand, and it is shown that in the States of Dakota there is room for a thousand men to plow the farms, I do not think it would be extremely difficult, if you went to work and wrote to the commissioner general, to say that we need these men. You can arrive at some amicable treaty, and these men will come here and do it, but if you put on it a compulsion and say they must come there for five years, you are running into the trouble that a gentleman of the committee asked me about.

Your trouble is this, as I see it: You have figures; you have the census, but you have different numbers of aliens, and men have come here to tell you about exploitation, but you have not something tangible about lands that could be utilized to produce wealth to this country. You have not the figures needed.

Mr. VAILE. There are lots of figures available on that.

Mr. COTILLO. The land part of it is covered?

Mr. VAILE. The land part of it is reduced to figures.

Mr. COTILLO. Take your States and industrial centers, and you have got to realize this, that if you shut the doors, who is going to do the unskilled work? Realize another thing: we are becoming too educated in this country.

Mr. VAILE. There was a time when Americans themselves could do that kind of work.

Mr. COTILLO. You have got to realize that somebody has got to do the unskilled work.

Mr. VAILE. We did ourselves once.

Mr. SABATH. I do not suppose this would affect the Italian people to any great extent, but I have this in mind, that since 1910 we have gone through a world war, and a great many new lands have been established in Europe. Up to 1910 no census showed the population of this country by nationality, and the census of 1910 only partially showed that, but since we have passed this resolution the census of 1920 has been completed and shows the population by the various nationalities.

Mr. COTILLO. Yes, sir.

**MR. SABATH.** Do you not think it would be the easiest way to place the restrictions or the percentages of the census of 1920, the last and the best census that we have, as a guide to this committee and to Congress?

**MR. VAILE.** One per cent on the 1920 census?

**MR. SABATH.** One and a half of the 1920 census; then 3 per cent of the 1890 census.

**MR. COTILLO.** I have some figures on that. If I had known the chairman of this committee was so clever a cross-examiner I would have had all the material here; but I am glad to give you what I have.

**MR. CELLER.** As a Member of the House I would like to have a brief time to say a few words and at the same time take up part of my time by having Professor Jennings, whom I brought here from Johns Hopkins University, and who is a noted experimental biologist, and referring to the Laughlin report, to point out some extremely important facts to this committee.

**THE CHAIRMAN.** We devoted half a day to an examination of the Laughlin tests.

**MR. CELLER.** You have not devoted time to the particular phases that the professor will point out, which you will want to know before you come to conclusions.

**THE CHAIRMAN.** We will try to reach him between now and midnight, probably some time this afternoon after we recess at noon. The discussion in regard to the Laughlin figures, from the very nature of the thing, is technical. The committee itself has devoted some time to going over that information. It deals with the methods of following out so-called averages, and it deals with a discussion of the negro population in the United States as affecting the averages.

**MR. CELLER.** It comes to conclusions with reference to Nordic nationalities which differ from the conclusions of Doctor Laughlin, and Professor Jennings bases his conclusions on identical facts. They are extremely important for that purpose. You have not anything more important before the committee than what Professor Jennings will tell you.

**THE CHAIRMAN.** We will hear him this afternoon. We will recess now.

(Thereupon, at 12:40 o'clock p. m., the committee recessed until 2 o'clock p. m.)

#### AFTER RECESS.

The committee reassembled at 2 o'clock p. m.

#### STATEMENT OF MR. JAMES A. EMERY, COUNSEL FOR THE NATIONAL ASSOCIATION OF MANUFACTURERS OF THE UNITED STATES.

**THE CHAIRMAN.** By arrangement, we agreed to hear Mr. James A. Emery. Are you ready to proceed?

**MR. EMERY.** Yes.

**THE CHAIRMAN.** Give your name, your address, and your business affiliation.

**MR. EMERY.** James A. Emery, counsel National Association of Manufacturers of the United States.

I am representing other organizations, manufacturers, a list of which I will furnish the committee, Mr. Chairman, and ask that it be made a part of my remarks at this point.

The CHAIRMAN. All right.

(The list referred to is as follows:)

ASSOCIATIONS REPRESENTED BY MR. EMERY, AS COUNSEL FOR THE COMMITTEE ON IMMIGRATION OF THE NATIONAL ASSOCIATION OF MANUFACTURERS OF THE UNITED STATES.

National Association of Manufacturers of the United States.

National Founders Association.

California Manufacturers Association.

Manufacturers Association of Connecticut (Inc.).

Manufacturers Association of Wilmington (Del.).

Associated Industries of the Inland Empire (Idaho).

Indiana Manufacturers Association.

Iowa Manufacturers Association.

Associated Industries of Kansas.

Associated Industries of Kentucky.

Associated Industries of Maine.

Merchants & Manufacturers Association of Baltimore.

Associated Industries of Massachusetts.

Michigan Manufacturers Association.

Associated Industries of Missouri.

Nebraska Manufacturers Association.

Associated Industries of New York State (Inc.).

Ohio Manufacturers Association.

Oklahoma Employers Association.

Manufacturers & Merchants Association of Oregon.

Pennsylvania Manufacturers Association.

Employers Association of Rhode Island.

Manufacturers & Employers Association of South Dakota.

Tennessee Manufacturers Association.

Utah Associated Industries.

Associated Industries of Vermont.

Virginia Manufacturers Association.

Federated Industries of Washington.

West Virginia Manufacturers Association.

Wisconsin Manufacturers Association.

Mr. EMERY. I fear, Mr. Chairman, to those in whose memory lingers the admission of foreign birth by a gentleman whose charming diction and flow from "the well of English undefiled" yesterday suggested to us that he was native born, I feel that my Yankee dialect will suggest that I am foreign origin, as did his diction suggest that he was native born.

Mr. Chairman, I am representing to-day the committee on immigration of the National Association of Manufacturers of the United States. This committee is composed of the following: C. S. Ching, United States Rubber Co., chairman; W. R. Carnegie, Berry Bros. (Inc.), Detroit, Mich.; Wm. D. Disston, Henry Disston & Sons, Philadelphia; Charles L. Eckman, Eckman Furniture Co., Jamestown, N. Y.; John C. Haswell, the Dayton Malleable Iron Co., Dayton; S. D. Weil, Arco Co., Cleveland, Ohio.

We have listened with great interest and I hope with profit, to the very interesting and instructive testimony your committee has received in the course of these two days preceding.

We have been impressed with the fact that the problem before this committee was one of the most serious issues, subjects, probably, with which the United States has been confronted for a very long time.

We had adopted, in the face of an extraordinary situation a policy, by which the otherwise admissible aliens to the United States were to be limited to 2 per cent of their nationals. It was admitted—

The CHAIRMAN. Three per cent.

Mr. EMERY. Three per cent; pardon me.

It was admitted to be temporary in its nature, and was intended to meet the peril which we then anticipated.

When the act expires on June 30 it will have been in force for three years, and it is now proposed in the major measure before this committee that we shall adopt as a permanent immigration policy of the United States a duplication of the quota system with a limitation of 2 per cent of the nationals founded upon the census of 1890, and 2 per cent additional of all termed and defined quota, relatives, a quota relative being a person who has been lawfully admitted, the person who may take advantage of that section, being a person who has been admitted into the United States lawfully and resided here at least two years and having at least one year before petitioned for entrance as a quota relative within the definition of the bill, made application for naturalization.

Mr. Chairman in our discussion of the measure, in the presentation of views of a large and representative industrial organization I shall try, with the cooperation of the committee, to discuss it largely in matters of principle rather than deal with an interpretation of the administrative detail, much of which is a very great improvement on the existing law, and which we would like very much to heartily indorse, but our committee has been thinking in its conclusions rather in the terms of principles and policies than in the definition of administration.

There is a common misunderstanding, I might say misrepresentation, of the views of manufacturers with regard to immigration.

It has been common to say that they desire unrestricted immigration. For many years, in the course of my own contact with them, I have not known a representative organization of manufacturers, and practically no manufacturer of position, in the United States who advises unrestricted immigration.

They are as much opposed to unrestricted immigration as they are to the substantial prohibition of immigration under the guise of further restrictions.

They are more concerned and have at greater stake, economically, socially, and industrially, in the quality of the citizens of the future than in the quantity of labor that may be placed in the United States and given to them.

But, sir, the economic and social aspects of this problem are intimately related. It has been said frequently that perhaps the industrialist has turned his intent to measure the economic of the question, and he has not sufficiently considered the social aspects and consequences of immigration.

I do not think he has been at all blind to it. On the contrary, he has been keenly conscious of the situation presented by the enormous growth of alien peoples in the United States.

But, Mr. Chairman, I think we will discover on a very brief analysis that the relation between the economic and social progress of our

Nation is so intimate that it is difficult to separate the two, for social power is a multiplication of the power of individual production, and as the capacity to multiply the productive capacity of the human hand increases the race with the civilization with which that progress takes place.

The standard of living rises in common with the force of nature that increases the power of production of the society which enjoys the advantages of scientific knowledge applied to the practical problems by which human life is supported by the arts of the inventor, and our history as a nation has been first the gaining of its political freedom and a fight of 50 years before it gained even approximately an industrial freedom equal the political autonomy which it enjoys.

And there has been in every stage of American life not merely this tremendous increasing, amazing conquest of the forces of nature with which mankind wages an eternal war for life, but it has been accompanied at every stage by the contemporaneous capacity for organization, administration, and administrative control of every form of commerce that has made physically possible and available to the people of the United States the qualities which science and invention have brought to the people to enjoy in the creation and expansion of industry and commerce.

And that change it wrought has been so amazing that it seems even to the man of to-day who can withdraw himself with his familiarity with those causes that brought it out almost miraculous in its nature, and throughout the period of American development it has supplemented its native labor supply by laborers drawn from the countries of the world and it has builded up its native population under the systems of our earlier life. The admission of the immigrant into the community into which he entered, there was a more rapid and automatic adjustment and assimilation of American ideals and ideas, knowledge of our laws, constitutions, and tradition, and institutions that were taken with the very breath that he breathed, because I think it was true at that time, as it is to-day, that any judge may make a man a citizen, but only the people amongst whom he lives can make him an American.

As to the change in the nature of our immigration that following 1890, the stream enlarged from southern and eastern Europe and decreased from western and northern Europe, and with it has come the new problems of assimilation that have come from a different type of immigration.

It has raised industrial and economic as well as social questions, but, Mr. Chairman, I think we must be aware of the fact that substantially throughout the history of this period as a people we have not met our national obligation to the immigrants whom we invited into our midst.

There has been substantially little systematic effort on the part of the National Government to instruct, to intelligently aid, or by persuasive distribution, to make known to the alien, as well as to its own people, the needs of the various sections, industries, and occupations in our country, and to endeavor to withdraw from the attractions of our great cities and of our industrial productive centers the aliens who by many circumstances of his former life was fitted to take up other activities.



And there is no problem pending in the Congress of the United States, unfortunately, that endeavors to carry forward the idea of systematically compiling and assembling the immigrant needs and opportunities of the States of the Union in cooperation with private industries and organizations and communities and place these for analysis and compilation and for use in the hands of any Government bureau or organization or administrative officer that the alien may be confronted upon arrival, or before arrival, with the opportunities which actually exist, presented in terms of known ascertained needs, not merely of States and communities but of industry and occupation of all forms of agriculture, as well as all forms of commerce and industry.

We certainly believe, Mr. Chairman, that any permanent policy of immigration should be completed by the authorizing and creation of the machineries that will permit such information to be ascertained and availed of.

More than that, Mr. Chairman, anyone who is at all familiar with the economic life of the United States must concede that its capacity to economically absorb men as well as to assimilate them into our population is not, as some would at first think, at variance with the industrial and commercial development of the United States with the expansion of old industries and the growth of new ones, in response to the ever multiplying demands of our people.

So that any system that considers the economic aspect of immigration in terms of rigid numbers, however small they may be, may, economically speaking, admit too many at one time and admit too few at another. And, as a fundamental principle, I think we may assume that it is of little avail to invite into the United States or permit the entrance of great numbers of people for whom there is no economic opportunities.

So that we would suggest that the committee give consideration as to a guide—the principle—the necessity for recognizing the principle of immigration that terms of high standards of selection permit only in ascertained numbers of economic requirements; nor is that task so impracticable, nor so tremendous, as it might seem at first glance. We ascertain even in all our departments to-day on the subject that happens to be immediately before the American people on which they desire information. The machinery of ascertaining information such as I suggest, the Government has to-day, information as to the production obtained by the Department of Commerce, and distribution of products to the people of the United States can be ascertained in progressive terms of known requirements.

It is not necessary, if you were to adopt this principle of immigration, to organize new boards, but rather to avail yourselves of those departments already established, of those great departments of government who representatively are in most immediate contact with those phases of our national life that are interested both socially and economically in the problem of immigration—the Departments of Agriculture, of Commerce, and of Labor, and if you undertake to give any power, in accordance with the terms stated, or to establish by the United States any appellate board, you certainly could establish an appellate body and a Federal board for the de-

termination of the policy of the country, could be formed out of the Secretaries of Agriculture, Commerce, and Labor, a final body to either permit the entrance of immigrants in terms of ascertained requirements of men otherwise admissible or deny entrance in terms of occupation, specific or general, in accordance with the ascertained economic requirements, and if you desired to fix responsibility, you could do that through an Executive proclamation made upon such reasons.

That, at least, Mr. Chairman, is the suggestion for a substantially flexible policy of immigration, immigration that is in terms of the highest test for admissibility, fixing the numbers not in the rigid terms of a quota, but in the flexible terms of an ascertained economic requirement, with the burden of proof upon him who undertakes to establish its existence.

That would truly be in one phase the highest form of selective immigration and might permit, under any condition when labor of like kind unemployed could not be found in the United States, to enter contracts with otherwise admissible persons. That would offer opportunities in the United States only to those who felt that need. Intelligent men, men of experience, would not make investments in skilled or unskilled labor, the character of which was not only bound to meet the social requirements of the United States, but its economic need.

That is exactly the policy that was recommended as the policy for the United States by Abraham Lincoln in 1862, and was the foundation of this much discussed and much misunderstood theory of alien contracts. It has been said by some who have misunderstood that phase of the matter, that that suggestion smacks of peonage. We never suggested that with regard to entrance into the United States of numbers of artists, all kinds of professional men, who do enter under those terms and conditions.

Nor, if such permission is accorded, as I say in terms of demonstrated need, with the burden of proof upon him, who would get it; it smacks nothing of peonage, because a man, an immigrant, if he refused to execute his part of the contract, all that would be required or all that could be recovered from him would be that which was advanced to him under any circumstances on his arrival.

Now, lest we be misunderstood in making that suggestion, on behalf of the committee, let me say that no man on this committee can go further than we would in fixing high degrees of admissibility, and we would differ with this committee in the propositions contained in the bill only in the methods by which the economic requirements could be ascertained; but there is a general belief today, I think amongst all, that the time has come for the United States to more carefully select the immigrant population, and to more carefully determine the number itself, having selected whom it will to permit to enter, but it shows the test by which and under which we would determine the number, and not in any rigid scale.

What it is, is a responsible and flexible administration that in terms of ascertained admissibility, fixes the numbers in accordance with the demonstrated requirements.

For example, in your present quota system, it was filled six months after the quotas were announced. It would suggest that a

quota system of fixing the number is in itself a stimulation to immigration because it tempts people to make an early journey in fear they may not get there in time, and if they are to go at all they must come while the quota is open and before they are full.

I say 3 per cent, to illustrate our position, that 3 per cent may be too many to admit into the United States. It would have been in 1921. It may not be in 1924.

And if we are to consider all of the economic life of the American people, that rapidity of their growth, the multiplicity of their demands, the life of our new industries that spring up like the chemical industry in the United States, or the automobile industry in the United States, which in the life of a mere youth, have expanded to proportions so tremendous that they are greater in the course of a decade than all of the industries of the United States were 75 years ago in their capacity for production and service—you can put the United States into a procrastination class if you wish and say that you had better go slow, but the American people and their appetite for the things they require are not to be held in bond unless we are to slow down progress and put a check upon the always developing, always expanding, always growing, always multiplying, always creating or making new industries in the United States, and those that can not survive or meet the needs disappear and new ones take their place.

I would not be misunderstood, Mr. Chairman, as making any amendment in the terms of any immediate need of immigration. No such argument can rest upon the immediate need of it, but it is a continuing demand that rises and falls, sometimes creating rights that offer an economic opportunity that can be answered in the greatest asset that the people can have—a worthy life. The test that James Madison said was a real addition to the wealth and strength of the United States was when they came from beyond the seas and were ready to blend themselves into our Nation.

So, Mr. Chairman, I think you will perceive, because we suggest a difference of opinion on the measure presented by committee, and your careful recommendation is a difference that arises over the belief that a rigid quota system in the present state of our knowledge upon the subject is not an advisable immigration policy for the United States.

There are many aspects of this question that have been brought out in the course of this discussion, and I am sure no man can turn his attention to those many interesting aspects without realizing how closely it touches many, many aspects of our life; no sooner do you close the gates to the European movement than the vacuum economically existing in the United States is filled from somewhere else. The negro moves upward from the South, the Mexican comes in from the Southwest, and into communities not familiar with him, bringing more social problems, and they are bound to arise in the irresistible response to the demand for human aid in the conduct of the business of the country, so that men are discovering that the social question arising in these matters are but other aspects of the immigration problems themselves.

On the other hand, Mr. Chairman, if this committee were to wait before suggesting or urging the adoption of a permanent policy upon

the United States, it would expose the United States to no inundation from foreign sources. If it were now, with the information before it, to recommend a further study before adopting a permanent policy by a qualified commission or a select committee of both Houses, it would retain in its hands the same answer to the problem and it would not commit the United States to a permanent policy of immigration which, once adopted, it can not relieve, whatever it may be, be modified, or repealed.

Gentlemen, you have listened to discussion about this table with much concern about the serious question of conflicting scientific opinions that have arisen.

What is the effect of national intermixture? Can any scientist answer it with any scientific degree? You can bring a dozen here and at the present stage of information get different opinions from them. What statistical information have you on the subject? What are the needs of the United States economically if we are not to be embarrassed in the future? Have we made an estimate of that? Has an endeavor been made to ascertain what they are and whether the quota of to-day will fulfill the needs then? Do we desire the continuance of the good graces which we are enjoying of the other nations of the world? What will be the effect of the adoption of an arbitrary system of immigration, reaching back into 50 years, of the census, the obvious result of which is to operate against the admissibility of a particular national, with whom a few short years ago we were dying in arms beside?

The principles are matters that deeply concern the people of the United States and the determination of a fixed policy, and if we should study this question further we suffer no fear of inundation with a continuation of the present law, with administrative changes that your experience have happily suggested.

I think, of course, we can clearly perceive that the policy that has been adopted has accomplished its result. It has severely restricted, numerically, immigration within the tests set up by the act of 1917, and I think, sir, we can conceive of no new tests that can be applied for admission, because if we turn to the very interesting report of the Commissioner General of Immigration for the fiscal year ended June 30, 1923, it would be worth our while to note his enumeration of those terms as they are in the law to-day.

He says that the present general immigration law denies admission to many classes of aliens, including the following: idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons certified by the examining physician as being mentally or physically defective, such physical defect being of a nature which may affect the ability of the alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists and similar classes; immoral persons and persons coming for immoral purpose;

contract laborers; persons likely to become a public charge; persons seeking admission within one year of date of previous debarment or deportation; persons whose ticket or passage is paid for with the money of another or who are assisted by others to come, unless it is affirmatively shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; stowaways; children under 16 years of age unless accompanied by one or both of their parents; persons who are natives of certain geographically defined territory; aliens over 16 years of age who are unable to read some language or dialect; certain accompanying aliens as described in the last proviso of section 18 of the act; and persons who have arrived in Canada or Mexico by certain steamship lines. Persons who fail to meet certain passport requirements were added to the excluded classes in subsequent legislation.

Then continues the Commissioner General of Immigration:

Obviously it would be difficult to find, or even to invent, many other terms denoting individual undesirability which might be added to the foregoing list, but, as already pointed out, the general law is essentially selective in theory, for even its most rigid application with respect to the excludable classes above enumerated could not be depended upon to prevent the coming of unlimited numbers of aliens who were able to meet the tests imposed.

The 3 per cent act which this Congress enacted and renewed has confined the immigration into the United States so sharply that the net addition of aliens to the population in the United States in the first two years of operation of the act is less than one-third of 1 per cent of our present population. They have not quite averaged 280,000 per year in the first two years of its operation, and in terms as I say, if it were referred to economics or of classification of common labor, this Act, during the first two years of its operation shows a net deficit of 17,000.

So, Mr. Chairman, the present law is performing its purpose, but does it point the way to a permanent policy for a nation as vast as this unless it secures a flexible as against a rigid administration, unless it provides the means of ascertaining in practical terms the actual capacity of the United States to employ and use the aliens who come to it in all the forms of occupations, and I am not speaking merely of those in the lower stations, which have been occupied; but of all occupations which we have for alien brains, or alien hands, or alien culture.

In the measure which the chairman has presented there are many admirable improvements over the present administration. The suggestion that a quota shall be regularly divided over the year, that there shall be no visé of passports or issuance of immigration certificates, except within the number allowed to each quota nation.

All of these things tend to do away with the hardship and inconvenience and so does the fixing, as far as possible, in the place of the law as it is, accepting the family as a unit of immigration as it is the unit of society.

But, Mr. Chairman, while under that law, which might be continued during a period of further investigation without affecting the present policy of the United States and without hastily determining this ratio problem in terms of permanent legislation, there are

further steps that can be taken that will inform you and enlarge your administrative powers.

Our committee believes that an examination at the principal ports of embarkation would be a decided improvement over examinations exclusively within the United States.

I have read with the greatest interest the very illuminating and constructive brief of Mr. Box of this committee, and he points out very clearly the difficulty attendant upon the inspection abroad, but most of the objections that have been made to that suggestion, Mr. Chairman, have arisen from the fact that Congress, possessing, as we all realize, no powers to fix the conditions of examination upon foreign soil except through negotiation of the countries whose permission must be had, but no measure has been passed to the effect that the Secretary of State be authorized and instructed to undertake negotiations of such agreement as would permit examination in conformity with the policy Congress may stipulate, and until those negotiations are had, and until refusals have been received we are not in position to say that it is either impracticable or impossible.

Furthermore, Mr. Chairman, there could be no question that we could greatly lessen not only the hardships and inconvenience of examination at ports of entry, but we could give a better and less expensive examination of the immigrant by American officers. If we proceeded even now to give the immigrant an examination, we could do that to-day, with a medical and physical examination of the alien in transit on ships of American registry, extending a like privilege to vessels under a foreign flag if they cared to accept like service, and permit examinations by our officers.

That would lessen congestion at our ports of entry. It would offer a longer opportunity for observation and then the number of officials which it would take to perform the service would surely be fewer, or not any more in number than are required now, and it might relieve some for the performance of similar duties here.

I understand that your committee is not to discuss the subject of registration in any form, and for that reason I shall refrain from commenting upon it.

Mr. SABATH. Will you permit me, Mr. Emery, to call your attention to section 29 of the present act, which gives the President the right to detail the commissioner, or anyone whom he may desire to perform that service in a foreign country, to permit the investigation and examination abroad. That power has been vested, under the act of 1917, in the President.

Mr. EMERY. Well, the President could do that, without that authorization, Mr. Sabath, he could originate the investigation, but there has been no suggestion, no request made, or no instruction, or no declaration that Congress desires such a policy be adopted.

Mr. VAILE. Would you hear a suggestion there?

Mr. EMERY. Certainly.

Mr. VAILE. Would you favor making the immigration question, which has heretofore been controlled by Congress, a diplomatic question?

Mr. EMERY. Make it what?

Mr. VAILE. Make it a diplomatic question, a question which has heretofore been a subject of legislation. Would you be in favor of

leaving that, so far as that question is concerned, to diplomatic negotiations.

Mr. EMERY. Why, when you say diplomatic, I assume you are implying the examination for final admission of the immigrant to be determined through any immigrant board that was necessary with respect to the aliens, and with respect to the regulations which Congress might provide for final admission.

Mr. VAILE. Mr. Emery, you suggested, in replying to Judge Box's brief, that while Judge Box has pointed out the difficulty of making examinations abroad, the specific remedy is to have such examinations made in pursuance of a treaty between the United States and these other nations. Would that not make it a diplomatic question, a question of negotiation between the United States and foreign nations?

Mr. EMERY. As to permission to make examination, it would. Of course, nobody can assert the right to examine the nationals of another country, on their soil, without their permission.

Mr. VAILE. That is perfectly right.

Mr. EMERY. Now, the obtaining of that permission does not involve any diplomatic question as to the elimination or admission of nationals that may not otherwise come.

Mr. VAILE. It resolves itself into a question of the United States making a contract with another nation.

Mr. EMERY. As to the permission for an examination of their nationals, who seek admission to the United States under the policy which you laid out.

Mr. VAILE. Yes, and we might say in advance of entering this contract that we will not contract more than so far, but when we come to negotiating a contract of that kind, is it not likely that the other nation may want to put their own terms into that contract, may want to say so many laborers, so many doctors, so many teachers, of which we have a surplus, shall be admitted to the United States.

Mr. EMERY. Why, of course, Mr. Chairman they might make any proposition, just as you might make any proposition, but I can not see that until the proposition has been offered and rejected that we can indulge merely by gratuitous supposition of a hypothetical case as to what the various tables abroad might be.

Mr. Box. Does not the protest of the Italian Embassy communicated to this committee by the Secretary of the State make it as a condition precedent that we will make, or revise our immigration selective system to conform to their views and systems. Is that not in the letter?

Mr. EMERY. Why, I don't see, Mr. Box, that that is directed against the suggestion that I have made.

Mr. Box. I understand that that is.

Mr. EMERY. As I understand the nature of the Italian protest, it is against the number of its nationals who may enter the United States and the method you have adopted, which is apparently a discrimination against the Italians, or that they are not an equally favored nation.

Mr. Box. No, sir; I am talking about the protest which the Italian government made, and which the Secretary of State says is like other governments have made and which the records show are now making against this proposition.

Mr. EMERY. Against carrying on such examination abroad, yes, sir.

Mr. Box. And, as I understand, Mr. Vaile suggests that we would have to meet their terms, agree with them, and in answer to that you say we would have to wait until they raise that question. I was just calling your attention to that fact. I did not want to interrupt his examination.

Mr. EMERY. Certainly.

Mr. Box. They have already raised that question.

Mr. EMERY. That protest was made by the Italian Government against the examination of their nationals, on their soil without first procuring their acceptance of that method. Now, that is perfectly proper. You cannot undertake the examination of the nationals of any country on their soil without first getting the permission of the country whose subjects you propose to examine. Of course, they would object to the examination, if it were proposed in that manner, but would it follow that they would object to the examination with their permission.

Mr. VAILE. Of course, we might very well say that they could object to the basis of our terms.

Mr. EMERY. Certainly.

Mr. VAILE. And then we could say you have our terms. If they are not satisfactory, there will be no examination there.

Mr. EMERY. No, sir. I will ask, Mr. Vaile, how can you tell? If you think it is desirable—if you do not think it is desirable, of course, that is another matter—but if it is desirable to decrease the inconvenience, the cost, hardship, or the delay involved in the exclusive examination of applicants for admission on American soil by an inspection abroad, you will never be able to determine whether you can do it until you undertake formally and definitely to secure an answer to that question as to whether that is the kind of examination you want to make.

Moreover, and I beg to call this to your attention, the situation has never been the same in Europe as it is to-day. The European governments, and I believe the Commissioner of Immigration set that out, that with one or two exceptions the experience has been that they will not agree to permit it to be done.

The European governments have never had the same condition to confront them which they have to-day, and they might lend a very different ear to the proposal now than they did lend to it then, because they are confronted with this condition, of either examining your nationals under the conditions which we fix on our soil and at our expense or we will examine them if you care to permit the entry, the quota, on your soil at our expense. The matter is clearly a question of convenience to your nationals.

Mr. DICKSTEIN. Don't you think if that policy were adopted by the United States of entering into an agreement whereby that would be regulated by treaty we would have to abandon certain things, and that the treaty would be of benefit to the other country and not to ours, and that we ought to keep that privilege, so far as immigration, within the power of Congress; within the power of ourselves?

Mr. EMERY. I disagree entirely, Mr. Dickstein, but I do not see that there is anything that would involve that issue.



Mr. DICKSTEIN. I only asked the question.

Mr. EMERY. The only suggestion I have made is that it is entirely worth while to provide for the preliminary medical and physical inspection in the general port of embarkation. I do not suggest more than that. Our committee does not think that you ought to follow the men all over Europe. What we are suggesting is a preliminary medical and physical inspection at the five or six ports of immigration through which the great volume of immigration flows—coming here flows—and that would be merely for their relief and help and convenience there.

Is it not far better that if a family is threatened with separation and must make the determination of whether or not some of its members, not being subject to admission, it must determine there at the port of embarkation after examination whether one of the members not being permitted to go, whether the family will accept the permission and go, or whether it will agree to remain at home?

Mr. RAKER. Mr. Emery, would you under any circumstances abandon the policy of strict and final examination at a port of the United States by the American Government and its officers?

Mr. EMERY. I would not abandon in the slightest the paramount right of this country to determine who it shall permit and who it will not permit to enter.

Mr. RAKER. I mean at the point of entry—the final examination. You would never consent to the examination abroad being final?

Mr. EMERY. Well, of course, a person could be given a physical examination as to their condition, and as to any diseases they might have. A person might pick up a disease in transit. But the fundamental examination would seem to be afforded to many superior opportunities at the port of embarkation where it is within reach of sources of information upon many subjects that the examiner might want to know.

Mr. RAKER. Suppose such a man might claim not to be an anarchist, but it was found coming over or at the port of embarkation or port of landing that he was an anarchist. You would never yield on that?

Mr. EMERY. No, sir.

Mr. RAKER. Now, you would never yield on that in spite of the fact that the examination was made over there?

Mr. EMERY. No; not at all.

Mr. RAKER. You would still retain the right to make the final examination here, and, if for any reason he should be excluded, you would exclude him?

Mr. EMERY. Certainly.

Mr. RAKER. You would never make the examination final abroad?

Mr. EMERY. My suggestion is that if permission could be had within your terms—and I say that conditions, I think, are more favorable to-day than they ever have been in the history of immigration. It would gain time and save inconvenience, and would be of great help to those that are making the investigation, and it would gain time for the administrative officials of the United States.

Mr. RAKER. How would you devise a method any more stringent than we have at the present time, if the law is enforced by the steamship companies, with its doctors, and the penalty staring them in the

face of \$300 for each violation and returning of the fare to that man, and taking him back? If they enforce the law, how can you conceive of a stronger inhibition bringing people here who are disqualified?

Mr. EMERY. Let us see if the inhibition is not stronger. You must ultimately pass on it.

Mr. RAKER. Final.

Mr. EMERY. But don't you gain from the investigation of American officers before the man starts, and isn't that better than after he arrives?

Mr. RAKER. Well, how do you expect that to help, if he is examined there?

Mr. EMERY. If you could examine the applicant for admission to the United States by your own officers under the same circumstances and conditions you now examine him at the port of entry? My question is simply, would it not be very much better to make the same examination before the immigrant sails than you make at the port of entry before he leaves?

Mr. RAKER. Will you listen for just a moment? If he is examined, if the examination is made by the doctor of the steamship companies——

Mr. EMERY. Yes; of course——

Mr. RAKER. And then they must know something about whether or not he is admissible, and if they bring him over and he is not admissible, they are fined \$300 apiece, and compelled to take that immigrant back and pay his fare that he gave them. Now, how can you make it much stronger than that?

Mr. EMERY. Why, because of the examination. The examination is not final. Then there may be a difference of opinion. You take all of these cases of psychopathic insanity, which are border-line cases, in which the person is a peculiar individual. One person passing upon the examination, or giving the medical examination, might think that he was likely to become a public charge, and another might not. There may be a serious difference of opinion. And then the doctors making the examinations for the steamship companies have an entirely different sense of obligation.

We suggest this thing to your committee because we have had a wide discussion of the evasions involved in the inspections at the source of embarkation. It is not our notion that it is conclusive or that it is final, but it must be observed that it would tend to greatly diminish the number of immigrants to be subsequently examined and afford opportunity for those who are plainly incapable of admission to the United States from coming over and being rejected here. If they were rejected at the point where they started by the officers who speak for the country——

Mr. RAKER. You would give them a right to appeal from the action of the examiner there?

Mr. EMERY. Certainly.

Mr. RAKER. To appeal the case over here.

Mr. EMERY. If the person contended that he was eligible to admission you could have the same process which you have under this law, if he wanted to take his chances of appeal, to pay the expenses involved, but the number of appeals taken under those circumstances

would diminish very greatly. The number of appeals taken as compared with the number of rejections I think would be very small, as is the case in an ordinary litigation.

The CHAIRMAN. Let me put this up to you: At Marseilles, France, at this moment is gathered a large number of refugees from countries other than France, away from their opportunity, hoping that they may be in the next quota. If that port should be made one of the half a dozen where American examinations were made, and rejections are made, would it not be probable that a country like France would object to the leaving within their borders of people from other countries who are trying to get to the United States?

Mr. EMERY. Yes. Every country that permits people to pass through it in transit subjects itself to that liability.

The CHAIRMAN. And those countries have complained already that the refugees on their way to the United States are stopped at certain ports in European countries.

Mr. EMERY. Well, suppose that the same person started to America from a port in a European country, and the United States rejects him. He is returned by the steamship company to the port from which he departed.

The CHAIRMAN. To the place from which he started?

Mr. EMERY. From the place where he boarded the steamship. The steamship liability does not extend to his home.

The CHAIRMAN. To the place from which he bought his ticket.

Mr. EMERY. Unless he bought his ticket from some other point. That liability is not a liability to return the man to a point from which he did not pay them to transport him.

But the French would be confronted with the same situation at the port of entry.

The CHAIRMAN. Well, you do not figure that a man trying to get here should run any risk at all?

Mr. EMERY. Why, certainly.

The CHAIRMAN. Well, then, if he has an opportunity for examination and has any disease before he starts and still covers it up and comes to our port, his passage money is given back to him, and he is carried back to the place from which he started. Can we do much more than that for him?

Mr. EMERY. Well, human beings have a very strong difference of opinion about their capacity to enter.

The CHAIRMAN. Well, should America devote all of its sympathy and trouble and anxiety and shed its tears for those who come here trying to get in unlawfully and are sent back, or should we not put some burden upon the man who is trying to get here?

Mr. EMERY. But we have a large amount of that burden regardless of the change. It would only diminish the number, hence it would save the time of the American officers here in our own ports and would afford opportunities for more extensive surveys than we have under congested conditions in which the examinations are frequently made. I am not thinking in terms of mere sympathy for the individuals, although sympathy for an individual is a laudable thing.

The CHAIRMAN. Oh, yes.

Mr. EMERY. And the United States has expended millions of its dollars undertaking to support distant orphans, and we have sent

millions of dollars overseas in an expression of sympathy to all people in distress.

The CHAIRMAN. Oh, yes.

Mr. EMERY. So it would not be inconsistent with the United States practice, without unreasonable cost to us, to extend sympathetic consideration to the countries who wish these things. Of course, it would at the same time be governed by intelligent supervision of the United States.

The CHAIRMAN. I might make this observation: A man might, and could, properly open his heart and his purse liberally to alleviate distress and suffering and hunger and starving peoples in other countries, still he would not think of bringing those persons within his own home. That would be the last thing in the world he would want to do—would be to bring the same parties in his own home. Is not that right?

Mr. EMERY. Yes, sir.

The CHAIRMAN. So, the same thing applies to the Government of the United States. We can properly, and we do, where we can, assist those unfortunate peoples in need of assistance and care, but under no circumstances ought we to bring them into our homes, namely, into America, where we live.

Mr. EMERY. I do not think that the comparison is apt.

The CHAIRMAN. I do.

Mr. EMERY. I do not. You have not spent a penny and you are not opening your doors, and there is no such thought to any other individual other than an individual that is permitted to enter your home, if you can fulfill your requirements. The only thing that we are asking you is to permit him to satisfy you that he can enter your home before he leaves the point or embarkation, instead of waiting until he arrives at your door.

Mr. DICKSTEIN. Mr. Emery, just to clear something up in my mind.

Mr. EMERY. Yes, sir.

Mr. DICKSTEIN. I gather from your discussion and the testimony before this committee, it comes right down to your views on the question. First, you are against the present bill 101 in its present form; is that right?

Mr. EMERY. Yes, sir.

Mr. DICKSTEIN. You are against the form of a quota, 2 per cent, based upon the 1890 census, upon the ground that we do not have any real statistical proof as to what ground we should base our census on. Is not that so?

Mr. EMERY. Well, our position is this Mr. Dickstein: We are confronted here with the method of determining what immigrant should come to the United States.

Mr. DICKSTEIN. I followed you very closely.

Mr. EMERY. Yes; I say that under the quota, I think that we can concede that some years it may let in too many and some years it may let in too few.

Mr. DICKSTEIN. Exactly.

Mr. EMERY. And we adopted the 1890 census year for the arbitrary reason, obviously, of accomplishing the purpose of discriminating against the particular nationals in the operation of the act, and

the fact that we go back 43 years to find a standard of comparison, a census, suggests that we are doing that to find one that will best aid us in our purposes.

Mr. DICKSTEIN. That is right. Now, your personal opinion, as well as that of the people whom you represent, is that this law ought to be left alone until such time as this committee or this House is able to make such investigation as will justify their action in a proposed immigration exclusion bill; is that not so?

Mr. EMERY. Yes, sir. We believe that the information at the disposition of Congress at the present time, and the circumstances under which this tremendously important policy is to be permanently determined are such that we will be seriously embarrassed in the future if it were determined in improper terms, whereas the United States will lose nothing if it continues in operation the present law with the administrative improvement, and appoint a joint committee, or commission, for the purpose of thoroughly investigating the subject of making a recommendation as to what the permanent policy ought to be.

Mr. DICKSTEIN. You have made that very clear. Now, let me call your attention to something that you have brought to my mind, and I presume to the other members of this committee. You are talking something about selective immigration, making some treaty whereby we could examine them abroad. Is that so?

Mr. EMERY. Yes, sir.

Mr. DICKSTEIN. Suppose that we assume for the sake of argument that we should select a certain number of men with the understanding that they can do, let us say, a certain kind of work.

Mr. EMERY. You are talking about contract labor?

Mr. DICKSTEIN. I am getting off that subject. And, suppose that they are brought in under that condition, that they would do that kind of work. What provision in the law could we have, if after they got here and worked a month, or two months, and should say, "Well, we don't care to do that kind of work." What are you going to do, how are you going to get rid of them?

Mr. EMERY. Why, of course, when a person enters this country, the United States has a right at all times, as to a person who enters the United States, who is an otherwise admissible alien, under contract, and for a limited time, it is within the power of the United States to proceed against him, and deport him, if he evades a valid contract, or in other words, if he comes in under a status and violates that status, destroys that status, which gives him certain privileges he should lose his privilege, and he changes the status that exempts him. That is true, or should be true particularly with regard to the Oriental races.

Mr. DICKSTEIN. The present immigration, the law of 1917, has a provision whereby we can deport such aliens as break faith with the United States Government.

Mr. EMERY. Within three years.

Mr. DICKSTEIN. But, let us assume, for the sake of argument, that within the next five or ten years, we would allow, let us say, 100,000 or 200,000 of the kind you are talking about, contract labor, under the provisions of a treaty, or whatever you may call it, and they came here and worked for four or five years, or until, under the

statute of limitations we would be barred from taking action against them and they should say, "Now, we don't want to do any more work of this character. We are going to do some other kind of work."

Mr. EMERY. Yes.

Mr. DICKSTEIN. We would be practically letting them in in the manner you speak of.

Mr. EMERY. First of all, Mr. Dickstein, a person would not be admissible who is not admissible under the immigration act.

Mr. DICKSTEIN. I assume that he would meet every requirement.

Mr. EMERY. Well, if he met every requirement, then the only requirement that could remain would be the economic requirement only.

Mr. DICKSTEIN. I am trying to cooperate with you. I am trying to get your thought.

Mr. EMERY. I am giving it to you, sir.

Mr. DICKSTEIN. All right then, would we not come down to this point, that we would have to appoint every citizen in the United States an immigration official in order to get rid of them who eventually break away from the very person who brought them in?

Mr. EMERY. No; I don't see that, at all.

Mr. Box. May I ask you a question in that connection?

Mr. EMERY. Pardon me, sir.

Mr. Box. Go ahead.

Mr. EMERY. I just want to explain this matter.

Mr. Box. All right, I was going to ask you a question right in that connection.

Mr. EMERY. You have a provision now in the law, Mr. Dickstein, which has been in the law for many years, which permits entrance into the United States, under contract, of skilled labor, when labor of like unemployed, can not be found in the United States. You have had no difficulty with that provision, or such difficulty as to need a national police force to enforce it?

Mr. Box. Will you pardon me for a moment?

Mr. EMERY. Pardon me; let me conclude, then I will be very glad to have your question.

Mr. Box. Yes, go on.

Mr. EMERY. Under that, as well as other provisions of the law, we have permitted aliens who are exempt from the quota systems or from the general operation of the law temporary entrance into the United States for personal service, skilled persons, actors, singers, and so on. These persons are permitted to enter. We have had no difficulty because of that provision.

Now, if we permit the entrance of people, under contract, who are otherwise admissible to the United States, they are permitted to come in not only under those conditions but upon the condition that they will fulfill the conditions with the person with whom they entered into an agreement to help them and with whom they have a contract which permits them to come in. You never would have very many of them that would take advantage of a contract of that nature. There is not any possible way, sir, of course, that you could under duress compel that person to carry out the terms of that contract.

Mr. DICKSTEIN. That is the point.

Mr. EMERY. The most that you could do would be to proceed against him legally, which is the same recommendation which Lincoln made in 1862, under his contract. If any money was advanced to bring him to the United States, the person advancing the money could only bring a legal action to recover the money advanced to him. That is all.

Mr. DICKSTEIN. I just wanted to point out that you are laboring under something that we all labor under—those of us who do not go into immigration carefully. Now, let us take, for example—take an actor, or take a singer or some one who is exempt under the present law.

Mr. EMERY. Yes.

Mr. DICKSTEIN. We do not count the quota on him. He can come in when the quota is filled up. After he has come in next month or next year he may change his profession and may want to become a plumber. We let him in under an exempt class, but the Government has no way at the present time, has no system of checking up or following up that man to ascertain whether or not he continues in his vocation, and to-day there are men who come in under that exempt class who are not doing the very thing they were permitted to come here to do. And, if you exempt a class, that is what you are doing.

Mr. EMERY. That is true with those aliens who are admitted. That is true with a great many classes. We do not have an adequate provision for enforcing the law.

Mr. VAILE. Let me ask you a question there. You are asking that this cover a larger class?

Mr. EMERY. Yes, sir, Mr. Vaile.

Mr. VAILE. You have presented a very strong argument here in favor of a flexible immigration system which will admit laborers at times when they are needed in industry. Now, can you devise any scheme or suggest any plan by which that flexibility might take care of those laborers in times when they are not needed in industry, after they had come here? When there is a slackening in industry what is to become of them? Are they simply to be precipitated into the general mass of population?

Mr. EMERY. Why, they will take the same risks as when they come now or that any other person takes or, indeed, the person who employs them.

Mr. VAILE. They take the same risks? We take the risk. They are bettering their conditions. That is the risk which we don't want the United States to take.

Mr. EMERY. The United States does not take the risk.

Mr. VAILE. The United States takes a serious risk, if they are put into the general mass of the population, there will be a great many employes whereas we have had fewer.

Mr. EMERY. Employees, yes.

Mr. VAILE. Well, they might employ aliens to do much of the work that is now done by Americans.

Mr. EMERY. The suggestion which I have made, Mr. Vaile, is one which provides for a selection, and a system of check and balances, about as closely as one could have. It contains the present terms of the present system, plus the judgment of the person applying for the admission of such persons, or one providing the administrative official who had the power to meet the situation in the face of an

acute requirement, and satisfy all of the economic requirements, where now, all an immigrant has to satisfy you to-day, under your present law, is that he comes within the quota. You say 3 per cent can come in at any time, whether they are needed or not. That is the basis under which they are admitted. They arrive in the United States, and you have added 3 per cent to your population, although you may at the time they arrive be capable of economically taking care of only 1 or none.

Mr. VAILE. That is perfectly true.

Mr. EMERY. What do you do? You take the same number whether you need them or not.

Mr. VAILE. Three per cent may be much too many.

Mr. EMERY. All right then, the only difference in the position which you take and the position which I suggest is that you shall undertake through responsible administrative officials to discover what the economic requirement is and to control your immigration policy in the face of it.

Mr. VAILE. Yes.

Mr. EMERY. While your suggestion is that it is necessary to have, and you practically fix the very rigid number that may come in whether they are needed or not.

Mr. VAILE. That is very clear.

Mr. EMERY. Our position would at least admit a comparatively small number.

Mr. VAILE. You might admit under this flexible provision an extraordinarily large number. It might be many hundreds of thousands.

Mr. EMERY. But, of course, in order to admit them, you have to gratuitously assume a position that I neither advocate nor suggest, and you at the same time say, that it is necessary to regulate any administrative officers to whom you may grant the authority of administering this law or any suggestions that you might promulgate.

Mr. VAILE. But we have had committees representing manufacturers before this committee, I should say, nearly one hundred times during the last four years, and on the showing which they have made, the pressure which they bring to bear on administrative officers, not controlled immediately by the wishes of the home people, would be overwhelming, and it might very well lead to the admission of a half a million people, or a million people.

Mr. EMERY. Well, I seriously doubt that, Mr. Vaile, because it is, of course, assuming a condition, that has in the past not been indicated. Your chairman well said in his report to the Congress, in which he presented this bill, that the number of persons admitted to the United States under contract labor are so small that they have not even kept statistics about them.

Mr. VAILE. You mean skilled employees.

Mr. EMERY. Yes sir.

Mr. VAILE. Skilled labor?

Mr. EMERY. Which, of course, is changed in the pending bill. You have changed language in the bill that has been in the law, which we have had for the past 10 years, and which has assumed a definite meaning. You use the term in the present law "skilled labor may be admitted," labor like the kind we know, but instead of that you



have written in the words "highly skilled labor," which may be given a very different construction.

Mr. VAILE. Now, we have merely written into the law the regulations that have always been carried out by the department. That is the sense in which that provision has been interpreted by the department for many years, "highly skilled," but the outcome of the matter before this committee during the last session, and the position taken by certain gentlemen was that a hod carrier was a skilled laborer, or might be termed a skilled laborer, and could be admitted to this country. To avoid precisely that construction we put into this bill "highly skilled" so that we now have in this proposed act the interpretation which has previously always been made.

Mr. EMERY. You have not found, Mr. Vaile, that the gentleman charged with the administration of the law had ever taken the law to mean or to say what the gentleman said it might be taken to say?

Mr. VAILE. But we did not want them to have a chance to take it that way.

Mr. EMERY. That may be, and there may be persons who would do that, but let me call your attention to the fact that the use of the phrase "highly skilled" as against the phrase that is now used—you have emphasized this need of making the law more technical, and the administrative officer who enforces it might well take the point, for instance, that you did not intend to admit or include merely craftsmen, but that you only intended to permit highly technically trained men.

Mr. VAILE. Why should not—

Mr. EMERY (interposing). Such as medical men, optical workers, and chemists. I think that if you went around this board, among the members of the committee, that you would find that there was a variety of impressions as to what would be included in the phrase "highly skilled" as against the phrase that is now used, which is in the law at the present time. When you remember the law as it has been interpreted, as to nonadmissions, and the admissions being so few that they have not been found worthy of statistical record, is the fear well grounded that the department in the future may take a position so different from the position that it has taken in the past that it might inundate the country by an interpretation of the law which it has never shown the slightest indication of taking?

Mr. VAILE. Well, perhaps it is an ill-grounded fear that the department will inundate the country with too many hod carriers.

Mr. EMERY. That is a serious condition.

Mr. VAILE. That is a condition that was very seriously advanced before this committee by a man with a high standing in industry in the United States.

Mr. EMERY. Well, Mr. Vaile, you have defined whom you care to admit under that. That is a subject for definition, but when you merely change a phrase which has had an interpretation into a highly ambiguous phrase, you put yourself in the position, it seems to me, as Justice Brewer's famous comments on the statute of the fourth Manchurian dynasty, which provided that a man should receive 40 lashes for a dishonorable act, and 80 lashes for a highly

dishonorable act, and left it to the court to determine the gravity of the offense.

Mr. BAKER. Now, the reason that is in there is this, to endeavor in the exemption in the quota law to establish a meaning as to the exemption under the contract labor law as to what was skilled labor which, if not found in the United States, might be brought in, and those who have been brought in have been found to be skilled labor. That was put in there to permit us to bring in such as high-priced ministers, diamond cutters, glass blowers, some dye makers, and a few people of that type, who certainly are highly skilled.

Mr. EMERY. Well, assuming, of course, Mr. Chairman, that what the present committee wants is to prevent embarrassing situations with the establishment of new industries and the expansions of existing industries, when the burden of proof has been met by those witnesses who take advantage of the exemptions, I think that we should provide for that.

The CHAIRMAN. Now, when you come to writing or laying down regulations under any proposed act which we might formulate, are we not liable to be importuned by those who feel that if they want wagon-wheel makers and could not find them that they could bring them in? Now, if they wanted wagon-wheel makers and literally could not find them in the United States they could come on and make a sufficient showing to the Department of Labor that we must make wagon wheels, and we have not got a single man in the United States who can make them, would you not permit them to come in under your plan?

Mr. EMERY. I might be confronted with the interpretation by the Department of Labor which says, "Mr. Emery, you could have brought them in under the law, because the commissioner considers them skilled labor, but we do not consider them highly skilled labor."

The CHAIRMAN. That is it.

Mr. EMERY. They might say, "We think it refers to instrument makers, opticians, and such other technicians."

Then I might say to the chairman of the committee that the courts give that interpretation, and I have met the statement, and it has been made frequently by jurists in interpreting acts of Congress, that they must give an interpretation to the law as laid down, and that they can not be governed by an occasional expression, however authoritative.

The CHAIRMAN. We had here, for instance, the question of bringing wood choppers into Maine in order to eliminate a tree disease.

Mr. EMERY. Yes.

The CHAIRMAN. Well, there is a situation.

Mr. EMERY. Well, now, for instance, Mr. Chairman, would those men have been regarded as highly skilled labor?

The CHAIRMAN. Probably not.

Mr. EMERY. Probably not; then look at the consequences, at what could have happened. The cedar industry in Maine was suffering from a tree torador, and it was necessary to bring men in who were acquainted with the torador. It was necessary to bring men in from Canada, and find men who could determine which were the affected trees from the solid trees in order to save the cedar standing, and these men were brought in, several hundred of them, and performed their function and went out. Now, suppose that condition had

existed and some one had gone before the Department of Labor in an attempt to satisfy the Department of Labor, and that department had said, "We are sorry, gentlemen, but the committee having changed this phrase to 'highly skilled labor, we can not let wood-choppers in, however well informed they may be on the subject of toredors,'" and we would have let the cedar industry perish.

The CHAIRMAN. You would call that a particular emergency. Now, we have that situation with the fine trees in the West?

Mr. EMERY. Yes.

The CHAIRMAN. The ravaging of the pine forests of the West, and if you are going to chop down all of those infected trees you would probably need a quarter of a million tree choppers—wood-choppers. There, you would have the same situation. How much of an emergency do you think would be necessary to admit a quarter of a million?

Mr. EMERY. Of course, we would have to determine first of all whether we have got them here or not.

The CHAIRMAN. Yes.

Mr. EMERY. But you see, Mr. Chairman—

The CHAIRMAN (interposing). I want to ask another question. Take the matter of the wagon wheel maker.

Mr. EMERY. Yes, sir.

The CHAIRMAN. Would you take the Secretary of Labor, the Secretary of Commerce, and the Secretary of Agriculture, and they might make a survey of the country in January, we will say, for a new year and ascertain that the automobile industry was likely to be very good for the year, and that we could probably use 75,000 automobile wheel makers; therefore we would be justified in letting the world know that we wanted 75,000 automobile wheel makers. That is about the proposition.

Mr. EMERY. No; I would not put it just that way, Mr. Chairman. I can see that almost any theory is capable of being distorted into mutilation.

The CHAIRMAN. I do not want to distort it, because I want to get your views, and want to find out what you would do about these things.

Mr. EMERY. I remember of reading of an Italian that in experimenting found that by placing grains of sand on a metal disk and drawing a violin bow across that disk that they always assumed a certain position, from which it was concluded that the flower field was merely the material expression of music.

Now, Congress may be influenced by principles, and I think that when you consider what I suggest, a responsible board of appeal, on questions involving the admission or exclusion of immigrants in the light of ascertained economic facts, that it would not offer an opportunity for anybody to come along and ask for 100,000 or 50,000 or for an industry to file an application with the board—

The CHAIRMAN. Now, there is no need of running the record full of words about it. Let us see what you mean by that. Let us say that 100 automobile wheel makers are wanted, or anything that pops in your mind.

Mr. EMERY. I would say propose machinery something like this: I would undertake to formulate, and I think that it would be desirable to do so, a provision whereby there would be a board of appeals

in the Department of Labor, and when an application was made of this kind that application would be heard by that board after a report from the inspector in district in which the appeal originated had been made. The United States is divided into 36 immigration districts at the present time. A man in any district could make an appeal for an alien labor contract. That appeal could be approved or disapproved by the officer in charge on examination of the situation, and then he could communicate his report to the board for review, which would finally pass on the matter.

All we suggest is that we have practical knowledge. That is the idea, that the administration function in charge of a committee and in cooperation with the States and Federal officials making surveys as to the actual requirements of the United States, and that they be furnished with progressively developed information from time to time so that the officers will have before them, compiled accurately, all of this information as to the industrial condition of the United States. That information is not in existence to-day. It is obtained by the bi-annual census of manufacturers by the United States, but only at the time that the census is taken, and the information has never been progressively obtained in a systematic way, and we have never tried to have a complete flow of information on the relations between the labor requirements of the United States and any supplemental flow of immigration.

The CHAIRMAN. Let us carry that a little further. We know at this moment that the textile industry in the New England States is lower than it was a year ago, much less unemployment, a little better or more than half time. A year ago it was overtime. We could find out probably that there were certain industries in New York City, we will say the garment industry, which is in need of labor. Could we then serve notice on the people out of work in Massachusetts that they were needed down in New York and could find work down there.

Mr. EMERY. Why, Mr. Chairman, I assume that just exactly such a fact as you stated there would be determined before such application was passed on.

The CHAIRMAN. An effort would be made to do that?

Mr. EMERY. Of course, I assume that is done.

The CHAIRMAN. And do you not find that they are going back to New England right now, when we have probably got a shortage of labor in all industries, or a few industries, and in all industries they are getting enough to eat, except right now in the textile industry.

Mr. EMERY. Why, I do not think it is that severe.

The CHAIRMAN. Yes, certainly it is.

Mr. EMERY. We were told that we had 250,000 miners more than we needed. Nobody has undertaken to find out whether that is true or not. We have had the statement made. I do not know whether it is true, but I do know this—I do know when there was a shortage of labor in the steel mills and the representatives of the mills went into those regions in which they were informed the miners were they could not find them.

Now, when you talk of the total flow of immigration to the United States, about how many shall be admitted, we are admitting them here without having ascertained the economic requirements, and we

should have some machinery and undertake systematically to give information in a most systematic way or else make the establishment of the quota system in terms of our needs instead of saying that so many may come, whether we need them or not.

The CHAIRMAN. Do you know why that quota was established, basically?

Mr. EMERY. Basically, I presume it was established as the most expeditious means of stopping the inundation with which the country was confronted.

The CHAIRMAN. No; that was not the reason. The reason for allowing that quota was to permit the relatives of innigrants in this country to come in.

Mr. EMERY. Of course I had supposed that the reason that was adopted was to restrict immigration in view of the conditions which then existed and the threatened inundation of the country.

But I say, Mr. Chairman, what you are discussing now is not a temporary policy; not a temporary policy, but the adoption of a permanent policy, and we are interested in the working out of something better which will be the permanent policy of this country, and once this measure is enacted it will remain the immigration policy of the United States until changed by Congress. We feel that it may most seriously embarrass the economic future of the United States unless a provision for the flexible administration of the law is provided.

If the ideas suggested here do not meet with your approval, we only offer the criticism now which we think is still more convincing argument, the wisdom of further study of conditions as well as the accumulation of experience on this question before we undertake to put the United States into the possession of a permanent policy on immigration.

Mr. VINCENT. Mr. Emery, would not the adoption of the measure you suggest bring about an eternal pitched battle between the industries on the one hand desiring cheap labor, and the labor organizations on the other hand desiring to keep them out so that labor can be employed at high prices?

Mr. EMERY. Why, I think, Mr. Congressman——

Mr. VINCENT. Wouldn't that become a harsh bone of contention between those two forces?

Mr. EMERY. I hardly think so.

Mr. VINCENT. Why not?

Mr. EMERY. For the obvious reason that in the first place there would be the difficulty involved in undertaking to obtain the permit to bring in such labor. Of course, we may be thinking in two different terms. I may be answering your question in terms of alien labor contracts, and you may be asking the question in terms of administrative labor control flowing through administrative officers, and they are two separate ideas, one predicated upon the more permanent reason in accordance with their admission to the United States in the light of ascertained economic requirements, and the other upon the employer making a contract for immigrant labor.

Mr. VINCENT. Well, I am thinking of the earlier one.

Mr. EMERY. The earlier one?

Mr. VINCENT. You ascertained economic requirement.

Mr. EMERY. Yes, sir.

Mr. VINCENT. Would not that be a constant subject of discontent and dispute before this board between these two parties and before the American public?

Mr. EMERY. I do not see that, sir, because of the facts which would be obtained by the administrative officers, and the administrative officers who would be in charge of that department would be the final judges in those matters.

But it is an ultimate choice between either rigidly fixing the number or undertake to determine the number in the light of the best information that you can get when you fix the quota number. As the chairman said a moment ago in illustrating his comparisons, that the condition in the industries is most varied; for example, some industries of the United States have come back to a very high degree of operation, while other industries of the United States have never recovered from their war efforts. Take the machine-tool industry of the United States—and that operates about 18 or 19 per cent of its capacity even to-day, and you can not illustrate the condition better as a cross picture—you will have it presently—but when the biennial census of manufactures was taken in 1921 the Department of Commerce took for the first time this question: What is the relation between your present productive capacity and your full capacity? One hundred and ninety-four thousand manufacturing establishments, representing about 97 per cent of the manufacturing production of the United States, out of 353 industries answered that question. They showed—and I understand this is yet in the Government Printing Office and has not been issued, though we have assisted the department in getting the data to formulate these questions some time ago, and we have seen advance sheets of the conclusion—that the relation between their productive capacity and their operation in 1921 was 56.8 per cent; that is, there was nearly 44 per cent of their capacity which was not used. Of course, 1921 was an off year, and the presumption is that there is probably 15 per cent difference between that total then and the total to-day. That is just an estimate, but it illustrates the condition not only in industry but in particular industries. And I have taken the machine-tool industry merely to illustrate that they were urged into such a high state of production to meet the requirements of the national emergency, and they saddled onto both the foreign and American market by which munitions could be made such a load that they were caught; they so greatly overstocked the market that there has not been a demand for their product until now:

The CHAIRMAN. Do you think we could have the people of the world hopping back and forth like fleas to fill in these demands for labor?

Mr. EMERY. No; I do not think that at all, Mr. Chairman. But I think the number of immigrants that you admit into the United States ought to be predicated upon the economic requirements; that we should assemble the facts with the aid of experts, which would be a more rational way to do it than to sit down and guess at the number and fix that as a rigid quantity.

The CHAIRMAN. As a matter of fact, do you think if we undertook to carry through that process that the arrival of labor to meet this emergency would always be six or nine months behind the needs?

Mr. EMERY. No; I do not think so, because it is quite possible to pretty thoroughly predict from three to six months in advance. In fact, the most important function of the great industrial executive to-day is to forecast; he must anticipate the future, and if he does not do it successfully he is a business failure.

The CHAIRMAN. If labor was cheap enough and plenty enough he could make that forecast a good deal easier, could he not?

Mr. EMERY. Cheap labor has pretty well disappeared from the United States, and if any Member of the Congress of the United States knows where it can be obtained I know a vast number of industrial manufacturers who would like to know it.

Mr. VINCENT. Do you think this quota law has had something to do with that condition?

Mr. EMERY. Wages paid in the United States before the adoption of the quota law were the highest in its history.

Mr. VINCENT. That was during war times?

Mr. EMERY. Yes, sir.

Mr. VINCENT. Do you not think the present wages paid to labor has some effect on it?

Mr. EMERY. It might have some effect on it, but I do not think it has been controlling, and the requirements continually are for a superior order of intelligence and skill. Men are not paying merely for backs and hands; they are paying for intelligent application to the needs of industry.

Mr. DICKSTEIN. What is the situation where you make a contract for contract labor? Let us say you get the man from England and you bring him here and for violation of his contract you deport him. Is that right?

Mr. EMERY. Yes.

Mr. DICKSTEIN. And for the violation of the same contract by a native American in this country, lawfully admitted, it simply makes a civil lawsuit.

Mr. EMERY. I did not say that, Mr. Dickstein; I did not suggest that you made deportation for violation of contract. I said you had the power to do so and have exerted it. I do not believe in any such penalty.

Mr. DICKSTEIN. Would it not conflict with present statutes and would it not be a case where we would have to amend the statutes pertaining to labor to meet that situation, or to amend the Constitution?

Mr. EMERY. If you undertook that course, I do not see the reason for adopting it.

Mr. SABATH. Then it is not necessary, because we have provisions at present in our immigration law where an alien if found guilty can be deported, and the court has sustained that.

Mr. DICKSTEIN. That would be in the case where they bring in, for example, 1,000 contract laborers under necessity of a certain emergency that existed, and after that emergency subsided they did not need the men any more. What are you going to do with them then?

Mr. EMERY. You are talking about under the contract labor provision?

Mr. SABATH. If you ask me that question, I am opposed to any contract labor being imported into the United States.

Mr. DICKSTEIN. Now, coming right back to the question, Mr. Emery, where he tried in the best possible way to tell this committee regarding his ideas about treaties or administrative selection of certain classes of laborers from abroad. Assuming, for the sake of argument, we select 1,000 men under the conditions that your factory needed these men. You could not at that day, week, month, or that year get them here. Let us say that within six months the emergency goes off. We have enough of our own Americans then to take these places. What are you going to do with these thousand men? Are you going to deport them back or leave them here?

Mr. EMERY. I assume you are asking me the question based under the contract labor clause, because I want to keep it separate from any other question of immigration control.

Mr. DICKSTEIN. I am taking it in connection with the point you have raised in regard to selective legislation in so far as certain labor is required for certain industries in the United States, which you say is so much needed.

Mr. EMERY. I say that any immigration law, Mr. Congressman, ought to contain a flexible provision that permits under the case of economic necessity the admission of labor under contract. I do not see any way that you can fairly hope to enforce and administer an absolutely rigid law that does not recognize any exceptions. The chemical industry is an illustration of that.

As for the particular means by which you enforce the law, there are a variety of suggestions to be made, because, in the first place, if any employer was permitted to make contracts of this character he must be exceptionally careful in the character of the men he selects. He is taking great risks, is he not? Because he may, and very properly, be bonded, if the matter was such as you describe. If it was a temporary admission of labor for a particular purpose, to assure the departure of that labor at the conclusion of its task, which would be a very rare thing, because these things do not occur very often. If it was a case of temporarily getting men, then, of course, you are meeting the condition existing in the country and you would have to meet it as you have in the past.

Mr. DICKSTEIN. If they work for four or five years would you say then after that work is through you should deport them back?

Mr. EMERY. I do not think you would make any contracts of that kind. They are not made that way in labor. I have never heard of a contract of that character, and I do not suppose any has ever been made. We do import skilled laborers—specialists—and, of course, a man is given, we will say, some different name from laborer. We never question the value and validity of a contract of that kind, although the man who comes over under it may know less than the laborer does.

Mr. RAKER. That is going on constantly under the skilled-labor clause.

Mr. EMERY. For instance, suppose you get technical experts. For that you may employ an Englishman or Frenchman.

Mr. RAKER. There have been practically negligible numbers of people coming here under the skilled-labor clause, have there not?

Mr. EMERY. No; they have been coming here constantly. But you must remember that you have changed your whole immigration



policy. You have adopted now a severely restricted policy, and if you adopt that severely restricted policy it is more likely that emergencies would arise that would require occasional exception to the general policy of the act than in a condition in which there was a more liberal policy. So, what I am suggesting to you is, as this becomes law, that there must be flexibility of administration in the period of transition from the too-liberal policy of the past to the more rigid policy toward which we are steadily tending.

Mr. RAKER. Do you mean you would give that control of that flexibility to a commission of four or five men to handle?

Mr. EMERY. I suggested that the secretaries of Agriculture, Commerce, and Labor, as representatives of the three departments most affected, would make an admirable board of final appeal or control of that matter, because I think they are the most responsible officials you could have.

Do not forget, Judge, I am suggesting two things: I am suggesting not only that they might be the final judges on the admission under contract, but they would be the final recommenders, if you please, if you adopted Executive proclamation as the last step of the closing of the gates entirely. For instance, if such a condition had occurred in 1921, the board would have shut the gates absolutely to immigration during the period that was represented by depression in the country, and we would not not have been doing anything unusual.

When there was a general depression in Canada after the war, under orders in council, they closed the gates to Canadian immigration; and then as Canadian industry revived they opened the gates and immigration began to move in. I have not heard anyone say that Canada was inundated with immigration or that it was in serious danger of being flooded, although you have over there extraordinary governmental control of railroads and steamships and so on, and they can even move over into Europe and select their labor, and even direct agriculturalists toward the 120,000,000 acres of virgin soil that still remains in that dominion, and which comes there to compete with the American labor on much more expensive land. But the Canadians have adopted with great success a flexible system of administration and undertaken to ascertain their economic requirements and to adjust their policy to-day as they ascertain it.

The CHAIRMAN. It is hardly fair to bring Canada in and compare it with the United States, because Canada has only a little more population than the city of New York, and Canada for the last two years has received, even with solicitation of immigration, less than 90,000 per year, and Canada has turned back about 8,000 American citizens per year as undesirable, even for residents in Canada. They have limited their immigration proposition although they have a boundless area yet unsettled.

Mr. EMERY. Limited in point of numbers, Mr. Chairman, but the principle of immigration that they have suggested is not made impossible of application because superior numbers are involved in the problem.

The CHAIRMAN. Except in Canada they might have a little different problem.

Mr. EMERY. I realize that.

Mr. RAKER. Do you mean by your suggestion, Mr. Emery, that if the various industrial institutions would feel that they desire more labor, and they could get it at a more reasonable price, that they should be permitted to go to the old countries and get it?

Mr. EMERY. No; because they are under the severest restriction under your bills. Your contract labor law, as it reads to-day, says they may obtain such permission upon proving to the satisfaction of the Secretary of Labor that skilled labor of a kind unemployed in the United States is desirable. Very severe proof is put on them.

Mr. RAKER. You are talking now about new legislation?

Mr. EMERY. I perhaps am permitting you by my incapacity to make myself clear to fail to distinguish between two different things: One is my objection to the provision which you have in your present bill that changes the phrase in the law with respect to contract labor, from skilled labor to "highly skilled" labor.

Mr. RAKER. By contract labor you mean skilled labor?

Mr. EMERY. No, no. I speak now of what is usually called the alien contract labor clause in the law, which you have changed from a permit, under the conditions of proof—

Mr. RAKER (interposing). No; you do not mean that, now, Mr. Emery? I know you do not. The contract labor law we have not touched, have we?

Mr. EMERY. Yes; you have.

Mr. RAKER. Not in this proposed legislation.

Mr. EMERY. Yes; you have; that is exactly what I am calling your attention to, and you will find it on page 5.

Mr. RAKER. I say that is the skilled labor clause.

Mr. EMERY. No, no; that is the highly skilled labor clause.

Mr. RAKER. We have not touched upon or attempted to amend the present contract labor law.

Mr. EMERY. Evidently what you have in mind are all the provisions contained in the law under the general subject of the contracts.

The CHAIRMAN. This paragraph relates to exemptions.

Mr. EMERY. This paragraph relates here to the right upon presentation of proof of the need for skilled labor, which can not be found unemployed in the United States, to secure a permit from the Secretary of Labor to import certain labor of that character. I say that as to that you have changed the phrase "skilled labor" to "highly skilled labor."

Mr. RAKER. That is right; but so far as the general contract labor law is concerned, the denial of them to be admitted into the United States has not been changed.

Mr. EMERY. No; it is still a crime for a man to undertake to come into the United States if he has a job in sight. [Laughter.]

Mr. RAKER. Do you think that ought to be amended?

Mr. EMERY. Yes, indeed. And in some way I think it could be. I happen to know a very high transportation officer of one of the railroads interested in the proposition that he joined in an invitation to Lord Robert Cecil to come to the United States and lecture on the League of Nations, and that transportation officer discovered on examination of the immigration law that, being a person engaged in the transportation of immigrants by land or sea he was under

penalty if he invited or induced or assisted any alien person to enter the United States, and, of course, Lord Robert Cecil was an alien person whom he had joined in inviting, and he thereby incurred, literally speaking, the penalties of the law.

Mr. VINCENT. We have not had any dearth of them, even with the law.

Mr. EMERY. No; we have not had any dearth of them. The law is very strict in that regard, however.

Mr. RAKER. Just a question, Mr. Emery, before you proceed.

Mr. EMERY. Yes, sir.

Mr. RAKER. You say the fixing of the quota on the census of 1890 would be purely arbitrary. Do you still stand by that?

Mr. EMERY. Yes, . . .

Mr. RAKER. The fixing of the present quota for 1910 is no more arbitrary, is it?

Mr. EMERY. Obviously you had no other quota upon which you could act when you adopted the law. The census for 1920 had not been published when you adopted that in 1910, and you adopted the last information you had.

Mr. RAKER. Your view is that it had a good effect?

Mr. EMERY. Which?

Mr. RAKER. The effect of the 3 per cent quota law?

Mr. EMERY. Oh, yes; I think it had an exceptionally important effect.

Mr. RAKER. Having had a good effect, you do not believe the American Congress has degraded or deteriorated to the extent that they could not take the information they had and even write a little better law than the one of 1921, do you?

Mr. EMERY. Oh; I think that the proposal pending before the committee is evidence of the fact that the committee thinks the law needs decided improvement. The only difference of opinion is as to whether it ought to adopt as a permanent immigration policy a proposal based upon a quota system or whether it ought to predicate it upon some other method of accomplishing the restriction in the number of otherwise admissible persons.

Mr. RAKER. I should have put it in a little different way, Mr. Emery. Practically all of the witnesses up to date that have been against these measures have now taken the attitude that there is not any information upon which legislation could be had at all. So, I can not understand your view all of a sudden that change of attitude—there is no information upon which Congress can act. What do you suppose has caused that?

Mr. EMERY. I do not know, and I do not share it. My committee certainly does not have any such view. We do not say you have not any such information. I think you have much information, but I think you have many disputed questions.

Mr. RAKER. The main one is 1890. Why can not we take the census of 1890 and write an intelligent bill upon that census?

Mr. EMERY. I do not think the main issue before your committee is whether you ought to adopt one census or another census. I think the main issue before your committee is whether you are to permanently adopt a quota system as a means of restricting the numbers of otherwise admissible persons who might enter the United States

or not; and the second proposition if you adopt such a proposition, is, upon what census shall you predicate it? There is no more reason why you should adopt the census of 1890 than 1880 or 1870.

Mr. RAKER. Or 1910?

Mr. EMERY. Or, why not go back 60 or 70 years?

The CHAIRMAN. Your committee seriously realizes that if we undertake to continue a quota law based on 1910, while we authorize the commissioner sometimes to make further inquiry, that we would be likely to have that quota provision for 8 or 10 years in the laws, for it took 10 years to get a literacy test, as a result of the inquiry which was begun in 1907. Your committee must know it would take a long, long time to authorize the joint commission of leading citizens appointed by the President, and certain Congressmen and experts?

Mr. EMERY. I do not think that, Mr. Chairman. I do not think that the experience of Congress under its committees has been that. I think, for example, we have no better illustration of what you can do when you fix a limit upon the operation of your committee than was done in the highly disputed question of the employer liability law. You were unable to reach a conclusion with the Senate. The Senate passes one bill and the House passes another bill. It failed in Congress a second time, and failed again because the Senate inserted provisions with which the House would not agree. It attracted the attention of the world, because the old system of negligence was giving way to the new system of limited insurance against accidental injury. You appointed a commission consisting of members of the House and Senate, a very competent one, and that committee spent a very short time. It heard the testimony of those whom it believed to be informed on that subject. It formulated a bill accompanying its report, and that bill was adopted by both Houses, and we had an excellent law.

That was a case where through two sessions of Congress the question had remained in dispute and disagreement.

Here is a question that not only is of the utmost national importance, but it is touched at every phase with the most acute of the human feelings and human prejudices. We all belong to superior races—every one of us will admit that; we do not have to prove it. The committee is working on that assumption. [Laughter.]

This and many other things you have here underlying this law. There is the apprehension that certain races have entered into the United States and that they imperil its future by their unassimilability. Is that a fact or not? Does it become a great legislative body to write legislation and predicate it upon a lurking suspicion of that character, unless we first make a scientific investigation of it and ascertain what can be said in the present state of science about mixture of races, if anything can be said finally.

The CHAIRMAN. You have just about touched the point. You say there is apprehension, and there is apprehension?

Mr. EMERY. Yes, sir.

The CHAIRMAN. It must be an apprehension, or this committee would not know that 75 per cent of all the Members of this House are waiting for this committee to bring out what it thinks is the best bill. Now, then, the people of the country, when they see the

aliens creeping up in New York City like locusts a block or two at a time, have reason for apprehension. The public has no feeling against this alien because he is that man from that place, or that alien because he is of that nationality or religion: It is the general feeling that the ability of all the people in the country is not equal to the assimilation and are demanding a restriction. Our quota of restriction of 3 per cent does not seem to have been heavy enough to have allayed the apprehension.

Do you suppose this committee sits here and puts out statements that will create an atmosphere of further racial feeling in these United States? Is not that the situation? Is not that why we are trying to work fast and have it over? Do we want a commission, after we have extended this quota for an indefinite period and designate them as inferior when we know better? Are we going to sit around here and say one race of people in a certain country is not the race of people?

These are the problems. And as to the problem of labor, we talk around here about skilled labor when we know that four-fifths of the demand has been for common labor. We might as well come right out in the open and discuss it. We have got to do something. We are representatives of the people.

MR. SARATH. As to the conditions you describe in New York, has there been any gentleman here or any people from the City of New York complaining about the conditions in New York? I was not here last week, but were there any people from New York complaining?

THE CHAIRMAN. I can bring you plenty of witnesses from the city of Chicago itself.

MR. SARATH. We have cranks everywhere, even in Chicago.

MR. EMERY. Mr. Chairman, if I may be permitted to say just a word there, what I alluded to, Mr. Chairman, is a very plain thing. I realize this committee as fairly representative of the American people has no desire to indulge in racial discrimination. But I say that much of the apprehension to which the chairman has referred rests upon the belief that has been excited in some quarters and lurks as a prejudice in others, that there are races of people in the United States that ought not to be allowed to come here. And I say when you adopt a quota system predicated upon a statute the very terms of which deliberately reduce the number of immigrants of some particular people who may come into the United States—well, it is very much, Mr. Chairman, like the remark of a character in Dickens's celebrated novel, about the small boy who sat on the bank of the river in defiance of the instruction of Mrs. Joe Kerger, and he denied he did it, and she said, "Well, if the circumstantial evidence on the seat of your pants would hang you, you would hang."

When you go back 40 or 50 years for a particular census, which accomplishes a certain result, it is to be presumed that when rational men act they intend to accomplish the natural consequences of their proposal. I say, if there is a foundation for that, let us have it. Let us know what it is; let us ascertain by the best scientific testimony and other testimony we can get. Let us get the vital data we need, and let us present it to a commission who can read it, and then let us once and for all determine that if there are races

that ought not to be admitted, then let us exclude them. If there are races of people in our population who over a considerable period do not assimilate, that ought to be kept out, let them go.

But I am thinking, Mr. Chairman, of the very human thing that Tom Daley, that little man of Philadelphia, who writes remarkable verse, said the other day about his experience, coming into Philadelphia from his own home in Germantown. He separated himself from a friend and sat in a seat with an Italian laborer, who had just got on the train. They fell into conversation, because he is a cosmopolitan individual and enjoys meeting all types of men. When he got out of the train at the station, his friend said to him, "Tom, why have you been wasting your time on that wop? Why did you not come over and sit with me?" He said, "Bill, did you not realize I was talking to a descendant of the Caesars, to one of the inheritors of the great art of Michael Angelo?" "Oh, cut it out," he said, "Tom, what the devil has that fellow got to do with Michael Angelo?" "Did it ever occur to you that he is quite as much like Caesar or Michael Angelo as you are like George Washington or Abraham Lincoln?"

That was a very human touch.

The CHAIRMAN. After you have gone through all your studies would you be able to analyze the number of apparently recent immigrants who are clamoring for permission to bring their wives and children to the United States?

Mr. EMERY. I know there are a great many cases of that kind, Mr. Chairman.

The CHAIRMAN. The trouble of the committee and one of the hardest problems of the committee has been that if we restrict immigration, what allowance will we make for the families of those who came in the last 15 or 20 years?

Mr. EMERY. I observe in the bill, Mr. Chairman, that while the man who came over here two or three years ago can bring a family with him, the man who comes over in the two per cent quota can not bring it with him.

The CHAIRMAN. Up to a certain per cent, he can not.

Mr. EMERY. He must have lived here two years before that extra 2 per cent is available to him, and he must have made his application. I suggest this waiting policy to the committee, Mr. Chairman, not because of any preference for legislation, because our committee feels this question is of such tremendous importance to the American people and that it is not one to be hastily decided and a permanent policy put on in rigid terms when the field of inquiry is still open and when questions arise at every session of this committee, I am sure, that must excite their interest, and a body of conscientious men like you must conceive how many new aspects of this thing are coming up that can not be answered in everyday terms.

Mr. VAILE. It is just because this committee feels it is of tremendous importance to the American people that it ought to be disposed of quickly. You seem to think that this apprehension is ill founded.

Mr. EMERY. I do not, sir; on the contrary, I not only appreciate the apprehension, but I share it. The only difference is that I feel before a permanent policy is adopted that we ought to know more

about these things than to undertake to act in the establishment of a rigid policy that is predicated upon the existence of some of them which may not be so.

Mr. VAILE. Let me tell you a little story. You illustrated your remarks by some stories which were very much to the point. A friend of mine once brought up a little alligator. He also had a cat. The alligator grew rapidly. The cat looked the alligator over the very moment the alligator was brought into the house. The alligator snapped at the cat frequently; and the alligator kept growing larger and larger. The cat did not grow. And finally, one day the alligator killed the cat.

Now, we are asking if it is necessary for this law to be passed before it "kills the cat." We have an alligator that is growing. We may like the alligator, but when we find whole communities where they object, its growth should be noted.

Mr. EMERY. That is a very exceptional situation. Of course, it is subject to an ambiguous interpretation. It may be like the man whom some one said shot his dog, and he was asked, "Well, was the dog mad?" "Well," he said, "He did not seem to be pleased." [Laughter.]

The reason I suggest, Mr. Chairman—I am speaking of delay—I notice many things—we all do—that the United States in its great big, large way it looks about the immigration problem. We are a people that often wait. It is one of our national characteristics. We wait until a thing gets to a point of serious apprehension before we act, and then we act hastily. See what we have done in immigration matters. I confess things that have always offended me as an American citizen, and one is that any alien can find his way into the United States in violation of law. If he stays here three years he can not be deported; and after he gets here he can apply for admission for citizenship to the United States the day after he has effected his illegal entry. We have not undertaken to prohibit him from doing so; we have not undertaken to make unlawful entry an offense, and its repetition is a still more serious offense.

Mr. DICKSTEIN. Mr. Emery, you are a little wrong on that. If he applies for citizenship he must have a certificate of arrival, and unless that certificate can be produced, which must be done by the Department of Labor, an investigation is made whether he lawfully entered the United States.

Mr. EMERY. You are talking about naturalization and I am talking about getting your first papers, with all the rights arising under that.

Mr. DICKSTEIN. Simply a declaration of intention is all.

The CHAIRMAN. He can vote on those papers in some States.

Mr. EMERY. Certainly he can, and there is no distinction between a man who enters legally and a man who enters illegally. A distinction that ought to be observed.

Mr. BOX. May I ask the gentleman a question?

Mr. EMERY. Certainly

Mr. BOX. I understood you to say a moment ago, in your argument in favor of this administrative board which would ascertain the economic needs and in some way provide for supplying them, that you presumed that in 1921 they would have closed the doors?

Mr. EMERY. Yes, sir.

Mr. Box. Why do you say that you presume they would in 1921?

Mr. EMERY. Because that was a year of general depression, with constant unemployment in the United States.

Mr. Box. Did you not in the year 1921 appear before the Senate committee and state before that committee in these words:

I, and I think most of the reliable authorities that we have, Mr. Chairman, are of the opinion that we came out of the war about three and a half millions short of our economic requirements for unskilled adult laborers. That situation has not seriously changed by the amount of our immigration.

Now, while you say at present that you think that board would referred to another matter. I did not recall this statement. I remember it now very well. That was made before the Committee on Immigration, which was considering the bill then.

Mr. EMERY. Certainly I do. The only difference is that that testimony was given in February, 1923.

Mr. Box. In February, 1923? I will show you the record, Mr. Emery. I offer you a copy of the Senate hearings of 1921 before the Senate Committee. [Handing Mr. Emery a volume of printed record.]

Mr. EMERY. Yes; you are right; Mr. Chairman, I thought that referred to another matter. I did not recall this statement. I remember it now very well. That was made before the Committee on Immigration which was considering the bill then.

Mr. Box. Then, you made an error in that, did you not?

Mr. EMERY. No; I spoke, if you will note my language there, as to how far the shortage in unskilled labor had been affected by immigration, a fact that was probably a fact at that time.

Mr. Box. You said short at the end and by slight change after the war.

Mr. EMERY. By immigration.

Mr. Box. The general situation about which you were talking?

Mr. EMERY. Yes, sir.

Mr. Box. And you are not joining, then, with a demand very much in kind like the one made before this committee during that year for the admission of 4,000,000 or 5,000,000 of European laborers to meet the great industrial need in the United States?

Mr. EMERY. No; I did not join in it.

Mr. Box. You testified there?

Mr. EMERY. I testified at that time in that language to the effect that at the conclusion of the war there was a shortage of unskilled labor that had not been greatly changed by immigration.

Mr. Box. Up to that time?

Mr. EMERY. Up to that time.

Mr. Box. Yes, sir.

Mr. EMERY. Yes, sir.

Mr. Box. That is all.

Mr. EMERY. That was the situation.

Mr. WILSON. As I understand your statement, Mr. Emery, it is your opinion that our immigration policy should be based upon the requirements of industry, as determined by the industrial and economic conditions.

Mr. EMERY. I said the double thing, sir, if I may be permitted to repeat it, that I think the permanent policy of the United States



ought to be predicated upon the admission of socially desirable aliens in numbers fixed by the demonstrated economic requirements of the United States. In other words, there are two features there: One is the social desirability—that is, the test as to mentality, health, and political health, and so on; the second is as to the numbers of persons of such description.

Mr. WILSON. That related to the admissibility of the immigrants?

Mr. EMERY. Yes, sir; that is selective immigration as distinguished from limitation of numbers.

Mr. WILSON. Just on that point, what do you think of the act of 1917 as a selective act?

Mr. EMERY. I think if the act of 1917 were enforced that it provides, as the Commissioner General of Immigration has said, about the most effective test of social admissibility that you can state. As he said, that has nothing to do with the numbers to be admitted that passed those tests.

Mr. WILSON. You would fix the number to be admitted on the basis of economic conditions?

Mr. EMERY. Yes, sir; economic opportunity.

Mr. WILSON. That would depend up economic conditions in this country.

Mr. EMERY. Yes, sir.

Mr. WILSON. In your statement awhile ago you said a referendum had been taken—I have forgotten in what year—somewhat recently.

Mr. EMERY. I guess I referred to the biennial census of manufacturers taken by the Department of Commerce in 1921.

Mr. WILSON. Capacity to produce as to what was employed at that time?

Mr. EMERY. Yes, sir.

Mr. WILSON. Did you state what was the percentage?

Mr. EMERY. 56.8 per cent.

Mr. WILSON. When was that?

Mr. EMERY. That is for the calendar year 1921.

Mr. WILSON. That we were running at a capacity of 56.8 per cent? What was the condition in 1922?

Mr. EMERY. We have no figures on that; that has not been taken; that will not be taken until the end of this year; that is in process of taking now. This biennial census of manufacturers is taken by the Department of Commerce every two years.

Mr. WILSON. You do not know what percentage of capacity we are going at this date?

Mr. EMERY. No; I could not testify as to that.

Mr. WILSON. Is it your opinion that we should run at full capacity?

Mr. EMERY. Why, of course, the full capacity of demand. It may be that particular industries are overequipped. I do not know; I can not hazard an opinion on that. But for every capacity that we have that is not utilized we have, of course, a continuing overhead that expresses itself as a social charge against our general life. So that all our unused economic apparatus becomes a burden on national life.

Mr. WILSON. It has been very much discussed recently as to whether or not it is advantageous in this country to have enough

labor to keep the industries going at high speed if the final effect is not going to be had and result in an overproduction, overconsumption, and leave a vast lot of people out of employment; and the suggestion has been made that it is better for permanent prosperity that we go rather slow on good wages and good prices.

Mr. EMERY. As long as the relation between them is natural and not artificial or artificially sustained, as, for example, in the coal fields, the situation is good. But you can see this, sir, that the desire, I think, of all intelligent industrial management is to stabilize industry. But it is sometimes subject to influences that are entirely outside of the control; say, for instance, the European situation is something no amount of industrial management in this country can change.

Mr. WILSON. Suppose we go into a prosperous period, very prosperous for two or three years, and we have this immigration commission, and it should find for each of those years that a large number of immigrants should be admitted in order to meet the demands of industry, and that may be brought about by the economic conditions in this country upon which you base immigration?

Mr. EMERY. When you say "industry" I assume you mean agriculture?

Mr. WILSON. Yes; that is an industry. Then suppose we should have a few years of depression and there should be a vast amount of unemployment, which has occurred often and occurred after 1921. Then what is going to be done with the great army of unemployed that might run to 6,000,000 or 7,000,000, as it has in the past?

Mr. EMERY. Of course, sir, your inquiry is predicated, as I said to a gentleman here who asked the question, upon what I think is a gratuitous assumption, that a competent body, such as I have suggested, of the highest responsibility would yield to a presentation of artificial demands in such terms that they overstocked the country.

Mr. WILSON. The trouble seems to be that we never know in this country when artificial demand exists. We have not known in the past. We would proceed in 1920 and 1921 just as though that condition were going to extend all the time, and that was not true of any one section of the country or any one industry; and what assurance would we have—

Mr. EMERY (interposing). Of course, industry is learning all the time. I think the business world learns something out of every business catastrophe, and you see to-day the evidence of the caution with which it proceeds now; and the study of cycles of unemployment and of industrial depression has gone on very steadily, and I think management is more capable of coping with that situation to-day. I want to make plain that by nothing I have said did I want to indicate on the part of this committee that any industry with which I am familiar—any desire on the part of industry to see an oversupply of labor through immigration in the United States, or to use immigration as a means of having continually in the United States more people than can be utilized. No industrial manager of intelligence desires that kind of a condition, because he is by that injuring himself in two ways: He is injuring himself economically, because if there is an oversupply of people who are incapable of consumption, he is destroying the very prosperity toward which he

hopes to obtain; and, secondly, the industrialist has too much at stake to desire to see a condition of universal suffrage and increase in unintelligent population that may at any time by its political power overturn the very things in which he has so great an interest. No one has a greater stake than he, sir.

I hope that nothing I have said was indicative of the idea that we are merely looking at this question from the purely economic standpoint or from the mere standpoint of the manufacturer.

Mr. WILSON. I was not assuming that. But every organization has more information about the matters with which it deals than it has about other things?

Mr. EMERY. Exactly.

Mr. WILSON. And those who represent organized industry are liable to get biased even more than the committee of congress would in dealing with questions of this kind. We are proceeding here practically on the basis that under present conditions, which are fairly prosperous in this country, that there is no special demand, or any special need, for increased labor supply. We are proceeding on that basis now, and what we are doing is to try to shape out a policy that will be fair to the rest of the world, and in order to avoid what basis might not make it good for this country to have too large volume of immigration in the future; that we are not going upon the basis, as I understand it, that there is not any particular need for immigration at the present moment.

Mr. EMERY. And when you are establishing a permanent policy, you can not think in terms of to-day; you must think in terms of to-morrow.

Mr. WILSON. Is there anything to indicate that in 1924 or 1925 that there is going to be demand or a necessity for opening up the doors to a large volume of immigrant labor?

Mr. EMERY. I think I made it plain—I think the history of the United States is a plain indication of the fact that we have a very great absorbing economic capacity. Of course, those gentlemen who think the United States has reached the limit of its growth, that its capacity for expansion or increase of population is exhausted, they believe that you must legislate now in terms of those conditions of life which we have reached.

We have an enormous territory. We are capable of supporting an enormously greater population than we presently possess. If the population of Germany and France were poured into the State of Texas at this moment, the density of population in that State alone would not be equal to the density of the population in Italy.

Mr. WILSON. Just at this time the greatest need of America is a market for her products of her farms and factories?

Mr. EMERY. Even more. America is underhoused; America is underdeveloped. It has enormous opportunities that it has only touched. It has but now to equip itself with the means by which it can develop its own capacity and perform greater services for its own people and for other countries.

And I do not want to be misunderstood for a moment as indicating that the industries of the United States which we represent are talking to you gentlemen in terms of keeping wide open the doors of immigration. But what we are trying to advertise all the time is

that a rigid system, a rigid policy of immigration is inferior to an elastic policy of immigration within safe limits, and we are trying to suggest for you a method of flexible administration that permits us to live through the transition period between the too liberal policy on the one hand and the more restrictive policy towards which we are proceeding.

Mr. WILSON. The point I am trying to get to you is that the need of American industry, including agriculture, to-day is a market and consumers for their products.

Mr. EMERY. That is always their need, sir.

Mr. WILSON. When do we help them by increasing our population from other countries?

Mr. EMERY. Of course, you increase the number of domestic consumers.

Mr. WILSON. Domestic consumers?

Mr. EMERY. Surely; and ours is peculiarly a domestic market, and always has been. We never at any time had over 10 per cent of our production consumed outside of the United States. We are a people of enormous domestic consumption.

Mr. WILSON. Then the argument should be that we need immigration in order to bring over consumers for the products of our factories and our farms?

Mr. EMERY. If we were solely concerned with the purely economic aspects of the question, we might say that, but we have a far higher concern. We want to continue to enjoy the interests we have created; we want to develop the civilization of which we are a part; and we want to develop our economic life not at the expense of our political life, but in support and cooperation and enforcement of it.

It is for that reason that we are suggesting not that you shall fail to restrict immigration, because nothing I have said has indicated that. If I failed to say it before, I want to advertise it again, that what we would impress on you is to continue the present law with its administrative improvements, but do not formulate your permanent policy of immigration in terms of the proposal before you, and it would be far better to formulate an amendment to the present law and leave the whole subject to further study before you undertake your permanent policy, because if you do not do so and you put us in a procrustean, you have seriously menaced or embarrassed the economic future of the United States.

Mr. WILSON. If you bring over an additional number of consumers, you also bring over an additional number of producers on the American continent.

Mr. EMERY. Yes, sir; and every nation prospers on the difference between what its people produce and what its people consume; that is its surplus wealth.

Mr. WILSON. Our prosperity grows much more rapidly if we find that with the products of our producers at home a good market in countries to which we export. That is really the best index of prosperity, is it not?

Mr. EMERY. Exactly.

Mr. WILSON. The price we get for what we export?

Mr. EMERY. Exactly. Mr. Congressman, what I have been suggesting—you say the surplus is what we export?

Mr. WILSON. What we get for the surplus that we export really fixes, you might say, the percentage of our prosperity and profit.

Mr. EMERY. It does, of course, in industries which are dependent upon the export of their surplus for their prosperity; not so in others.

Mr. VINCENT. May I ask you this question? This commission you spoke of a few minutes ago as having power to decide the economic absorption of immigrants in this country—would you say that at the present time it looks as though we had pretty well economically absorbed all those within our borders?

Mr. EMERY. Yes, sir.

Mr. VINCENT. Do you not think another element worthy of thought enters in there, and that is our power of social absorption?

Mr. EMERY. Yes, sir; and I have tried to make that clear.

Mr. VINCENT. Do you think that we have properly socially absorbed all the immigrants within our borders?

Mr. EMERY. No; I do not.

Mr. VINCENT. But you would claim that the number permitted to come into this country ought to be solely on the proposition of economic requirements?

Mr. EMERY. No. I hope I have made myself plain. I have tried to keep two things before the committee: one is social admissibility.—

Mr. VINCENT (interposing). Oh, social admissibility is fixed by the text of the law.

Mr. EMERY. Yes, sir.

Mr. VINCENT. But social absorption is an entirely different proposition?

Mr. EMERY. Yes, sir.

Mr. VINCENT. You will not claim that in the example that Congressman Vaile has just given that there has been the proper social absorption, will you?

Mr. EMERY. Oh, not at all; and, of course, if we cared to take up the number of American communities in which there have been equally disgraceful occurrences, we would not have to go far to find them.

Mr. VINCENT. But we can reach some part of the problem of social absorption and those who are now outside of our country in the immigration law?

Mr. EMERY. Is there anything in this bill before the committee in the way of sympathetic absorption of existing aliens?

Mr. VINCENT. The only way that that can be done is to give it time with respect to those inside the country without flooding the country with a greater increase of the problem.

Mr. EMERY. The moment you say "flooding" I agree with you entirely, and I hope I can continue to make a distinction.

Mr. VINCENT. If you have in view this social absorption, how are you going to control that question by a determination on the part of three secretaries as to the economic requirements of the country; that is, the business requirements?

Mr. EMERY. I think any system has got to be accompanied by the thing which we have neglected and to which I have referred. There has been no serious effort on the part of the Government of the United States to systematically undertake the assimilation of the

aliens; on the contrary, for instance, many of the industries that we represent have continually and systematically undertaken to Americanize the aliens. They have been doing it for years. Mr. Chin, the chairman of this committee, representing the United States Rubber Co., could tell you how among their 35,000 employees of the enormous efforts that have been made over a period of years to provide schools of instruction, and they are supporting to-day splendid schools in the neighborhood of their industries, in which the State supplies teachers, and they are endeavoring in every way to aid in that social absorption. The Government has not done it.

The CHAIRMAN. Let me ask how long the National Association of Manufacturers has been in existence?

Mr. EMERY. It was founded in 1897.

The CHAIRMAN. How long have you been with them?

Mr. EMERY. I have been their counsel for about 13 years.

The CHAIRMAN. You have appeared before the House committee in opposition to the Burnett bill?

Mr. EMERY. No, sir.

The CHAIRMAN. You did not appear at that time?

Mr. EMERY. No, sir. I was very much in favor of the Burnett bill.

The CHAIRMAN. You were in favor of it?

Mr. EMERY. Yes, sir.

The CHAIRMAN. That was the literacy test?

Mr. EMERY. No; we did not agree with the literacy test, but we believed very much in the selective provisions of the law. We did not believe in the literacy test because we did not think it would accomplish the thing it was aimed at: that is, it was not a selective test; it was obviously a restrictive test.

The CHAIRMAN. I will not dispute you, but the limitation of absolute literacy is one form of restrictive test, is it not?

Mr. EMERY. Yes, sir.

The CHAIRMAN. Did you appear before the committee of either House in opposition to the Burnett law?

Mr. EMERY. No, sir.

The CHAIRMAN. You appeared before the original quota act?

Mr. EMERY. No, sir.

The CHAIRMAN. You appeared against the bill when it was in the Senate committee, as shown in the testimony as read by Mr. Box?

Mr. EMERY. That was on the percentage basis. I think we were discussing the percentage basis then.

Mr. RAKER. Mr. Emery, may I ask you just a couple of questions?

Mr. EMERY. Yes, sir.

Mr. RAKER. Along about February 15 this committee reported to the House an amendment to S. 4092, which amendment is in substance, with a very few changes, in line with the present bill, 101. You remember that?

Mr. EMERY. Yes, sir.

Mr. RAKER. Do you know of any piece of legislation that has had more thorough discussion, publicly and otherwise, than the provisions of the bill as reported to the House in February?

**Mr. EMERY.** That is rather a general question, Judge. That is a pretty vague question. I would be very glad to say that I think it has had very considerable discussion, but I think the great number of the people who discussed it do not perhaps entirely understand its terms. But the subject of it has certainly had a very great amount of discussion.

**Mr. RAKER.** The question of fixing the quota at 3 per cent within this bill and using the census of 1890—that is right, is it not?

**Mr. EMERY.** Yes, sir.

**Mr. RAKER.** Has there not been general approval of such legislation by the American people scattered all over the United States in editorials, books, pamphlets, and magazine articles, and discussions from the platform, practically all over the United States, during the last 10 months?

**Mr. EMERY.** I could not say so wide an approval. I would say there has been a very considerable amount of approval. I think there has been a difference of opinion, as, I say, over the different phases of it. But I think there is little difference of opinion to-day, over the retention of the present quota system until you formulate a constructive policy.

**Mr. RAKER.** To be honest with you, now, the first time I heard it was when we started in these hearings. I have not seen an article or paper on it. I have not seen any discussion. When we started these hearings that matter was discussed, and it immediately popped into my mind that that was the method of continuing and preventing legislation. I have often heard it discussed the other way and effort being made by those who possibly thought if it might be successful it would prevent Congress from passing any legislation this session. What the people wanted was provided in that amendment, S. 4092, and I want to say in all due respect to the gentlemen who appeared yesterday, the day before, and to-day to pass this bill, while they say they are in favor of the 1917 law, restrictive legislation, have always appeared in this committee against the restriction, and now they raise the objection to this bill, and still say they are in favor now of the act of 1917.

So, after the law becomes effective they are for it. But when a further addition is asked, then they say they are against it; and we have been hearing that kind of testimony for the last week.

**Mr. EMERY.** Are you referring to our committee?

**Mr. RAKER.** No; the gentlemen who appeared before this committee. I want to be frank. There is no need of disguising the fact. The American Legion and many, many organizations of wide scope from every hamlet in the United States have taken up and discussed this bill and have gone on record saying that they believe it is equitable and just, that it is in behalf of Americanism: it is the right kind of legislation for the American Congress to adopt; and they are praying and pleading that such legislation be adopted. Do you not think Congress ought to give their idea some consideration?

**Mr. DICKSTEIN.** Well, probably—

**Mr. RAKER** (interposing). Just a moment. Let the witness answer the question. Do you not think they ought to?

Mr. EMERY. I would never have believed, Judge, simply because a large number of voices were raised in favor of a proposal that that was an index of the merits of the proposal.

Mr. RAKER. You would give some heed to such an organization as the American Legion, composed of millions of men from every walk of life. There was no dissenting voice, so far as the record shows, from any nationality in that organization appealing for this kind of legislation.

Mr. EMERY. They go even further than this kind of legislation. If I understand them aright, they are in favor of the prohibition of immigration, just as others are. I have been most interested to observe that among the distinguished gentlemen, whose opinion I respect here before your committee. I have seen no more determined or enthusiastic effort in urging the prohibition of immigration than the Federation of Labor; and I have noticed with interest that the gentlemen who most vehemently represent the opposition are themselves the finest examples of the possibility of naturalized citizens in the United States.

The CHAIRMAN. Do you understand that the American Federation of Labor is against this legislation?

Mr. EMERY. If I understand their declarations adopted at their convention. Mr. Wallace is here, and I know he will correct me if I am wrong.

So if the gentlemen in favor of prohibition of immigration and the American Legion is in favor of prohibition, they are not in agreement on this bill.

Mr. RAKER. They say they are in favor of this bill!

Mr. EMERY. Then they have changed their attitude.

Mr. WALLACE. May I say we are as much in favor of this bill as Mr. Emery is in favor of changing the 2 per cent law temporarily, even though he appeared against it when it was being advocated.

Mr. EMERY. I was not against it, nor anyone whom I represented. On the contrary, we believed that when you adopted the 3 per cent that it was the only possible way of meeting the situation at that time.

Mr. WALLACE. You mean in 1923 you were in favor of continuation?

Mr. EMERY. Yes. In 1923 we proposed two amendments to it.

Mr. RAKER. What I was trying to get at was, a strong committee, some of the same men who appeared before this committee 10 or 11 years ago on the literacy test that appears before this committee at present. I was present and heard their arguments. They claimed it would be a ruination of the country; they claimed it would be a personal degradation to certain nations. Now they come and say, so far as the literacy test is concerned, they have no objection to it. So we will always find those who are in favor of unrestricted immigration objecting to anything that really brings down a little closer the restriction, so far as the United States is concerned, do you not think so?

Mr. EMERY. I assume you will always have differences of opinion.

Mr. RAKER. Then we should not get scared because just a few men are opposed to legislation when we find about 90 per cent of the



American people in favor of legislation that will protect this country.

Mr. DICKSTEIN. Judge, where do you get 90 per cent? What proof have you of that? [Laughter.]

Mr. RAKER. When you get this commission that is now so much desired by those who want to prevent legislation we will be able to prove it is over 90 per cent.

Mr. WATKINS. Have you given any study and are you in position to state as an authority what effect, if any, immigration has upon the birth rate of the native born in the country, whether it retards it or not?

Mr. EMERY. No. I have listened with great interest to the discussion on that subject, however.

Mr. WATKINS. You do not claim to know about that?

Mr. EMERY. I remember very well the statement I think you referred to yesterday when Doctor Wise, of the Commonwealth Club, to the effect that if there had been no alien additions to the population of the United States since 1920 that the population would be the same to-day?

Mr. WATKINS. Yes. That testimony is in here somewhere?

Mr. EMERY. In other words, that every time an alien comes in there is one baby less.

Mr. WATKINS. In other words, it prevents babies being born?

Mr. EMERY. I confess I can not see the basis of that. I can conceive it to be true in this event—

Mr. WATKINS (interposing). Does it retard it to any extent?

Mr. EMERY (continuing). If the amount of subsistence were really so that every time you made a single addition to your population you deprived someone of the subsistence which supported that individual it would really affect the birth rate obviously.

But when we have an ample if not infinite capacity for producing subsistence, the increase in population does not have that effect. That would be the economic answer to the matter. It is only in countries where there is limited subsistence that the birth rate is affected by immigration.

Then you have had this other situation in the United States that obviously we have lived through two or three great wars. For instance, the southern States were devastated by the great Civil War and their losses were enormous; and the finest blood of the South was spent on its battlefields. Certainly the birth rate of the South and the population of the South was sorely affected by that condition.

Taking the total population of the United States, immigration has tended to restore, on the whole, the balance of population that we have suffered from catastrophes of that character. And I confess that it seems a non-sequitur. I can not conceive of a basis for that statement beyond merely the declaration of that party himself that he perceives that effect. I do not think it is capable of being sustained by any deductive argument.

Mr. WATKINS. Let me ask you this: Do you not think that the coming into this country of people who work for less than the American laborer will work for would in a way retard that kind of people bringing children into the world? Do you think it has ever had that effect?

Mr. EMERY. I dislike to express opinions upon a subject upon which I do not feel informed. And let me say in addition to my remark of a moment ago, I do not see the type of laborer referred to; I do not know where it is. We have had cheap labor in the past, comparatively speaking, but the limitation of families has not occurred in that social order. But the families that have had the least number of children have been those most capable of supporting larger numbers. It may be that jazz music and some people think the eighteenth amendment has affected the growth of families more decidedly.

Mr. WATKINS. Do you make any distinction between the desirability of immigration from northern and southern Europe?

Mr. EMERY. That brings up the issue that I say that if there is any truth in it that only an exhaustive scientific investigation is going to decide.

I belong myself to the Nordic race, that is, I come from stock that comes from northern Europe; because I think the term "Nordic" is geographic; it is not racial. It means people who came from the north, and I suppose if we talk about Nordic races with our southern brother we would get a very prompt answer.

Moreover, the so-called pure races—I am not, as Rabbi Wise so eloquently remarked, an anthropologist; and I do not pretend to be more than a reader of those interesting statements like that of Madison Grant. But I must confess I can not see how any man who is familiar, for instance, with the history of our own English posterity, can talk about the purity of the Anglo-Saxon, which is a mixture of the Iberian, Teutonic, and Celtic and the Saxon; and then with the Norman invasion came the Normandy strain. So that we are a mixture of many races, and I suppose we are also crossed with the original Roman inhabitants of Great Britain.

I say this only in passing. Do not misunderstand me and think I am giving my committee's views. But merely to illustrate the point.

I can not but look at Europe and see things like this: I am told that if only the original strain of our English people, whose institutions I revere and whose ancestors are mine, were our sole source of population, we should have a people who would more readily assimilate our habits and customs and traditions and ideals; and yes, sir, I look across the water and see England of today more advanced in parliamentary socialism than any single state in Europe; and I see Italy on the other hand, having won the most remarkable contest against communism in government of any state in Europe: and the most successful contest.

So I begin to wonder whether my ancestors' people have changed their ideas and whether they are tending towards socialism on the one hand compared with the remarkable history of the search for liberty in Italy—merely illustrating by those two countries alone which is the more republican in their viewpoint.

And it is matters like that, Mr. Chairman, I confess, that very much upset me when I begin to find comparisons of men predicated upon racial superiority or superior racial assimilation; and I see two of these new countries of Europe making the most extraordinary advance in the table of free institutions on the ruins of ancient monarchies and making a remarkably successful struggle.

So that I can not feel, personally—and, mind you, I am speaking only personally now—that these are people who are indicating by their love and capacity for participation in popular government—when they are making one of the noblest struggles to reorganize the ruined society in which they found themselves as the result of this great world-wide catastrophe. So that on those grounds I find great difficulty in reaching that conclusion. And I say, Mr. Chairman, that if the experience of America has indicated a serious difference between races in native capacity to assimilate our institutions and modes of life that it is worth a study; and since our studies in the past have been conducted in an atmosphere very different from that of to-day, because this world we live in is a very different world from the world of 1907 and 1911. This world-wide conclusion has affected mankind in every direction: and if the stocks of Europe over there have been greatly changed by it, it is worth a study on our part to know more about it in predicated a legislation that is meant to meet those conditions; and it seems worth a study, Mr. Chairman, with all due respect to the considerations before your committee at this time.

So I would have you believe, Mr. Chairman, with many thanks for your very great courtesy in hearing me at such length, that the association that I have the honor to represent is as much in favor of restricting the flow of immigration to the United States as any man who believes that it should be restricted in terms of social assimilability and economic requirements.

Our only difference of opinion, after all, with the committee, fundamentally, is whether the numbers that are to be admitted are to be arbitrarily determined or whether there is an endeavor to be made to obtain systematically the information from which we can undertake a more rational administration of our law, so that we may have the opportunity in America as our economic structure grows to meet the requirements of its growth where we use "immigration" at all in terms of the ascertained economic requirement of our country, to be supplied only from those whom we have determined to be socially admissible.

I have made some suggestions as to the administrative changes in the law, but I want to conclude by saying, Mr. Chairman, how heartily our committee concurs in many of the improvements administratively that are contained in the pending proposal, most notably the limitation of certificates to the quota numbers in each country. I say as long as the quota system is continued that definite cooperation ought to be maintained. The use the family as the unit of admission so far as possible is a recognition of a social condition too long deferred and which will greatly reduce the injustice and hardship which we presently face. And we are glad to hear the committee is going still further in the limitations it puts upon the entrance of the alien, and that it is going to undertake to make a penalty for illegal entry a fact, to make a distinction in the right of first papers between the man who obtains legal and illegal entry, and that it is the purpose once and for all to provide for the losing status which gives privilege through exemption as being ground for the withdrawal of the status itself.

As we grow older, Mr. Chairman, as a nation and as we passed through these terrible years our relations with our national neighbors

become more and more intimate and the world goes on largely upon good feeling between States, it would be very unfortunate if we adopted any policy that deliberately wounded the feelings of other nations. We can surely conduct our immigration policy and our relations with our neighbors with the most determined effort to protect ourselves and to assert the paramount right of the United States to consider these natural necessities against any alien on earth without entering into arbitrary methods of determination that excite the suspicion, whether justified or not, that we are dealing invidiously with some of our national neighbors rather than with others; and upon the other hand, Mr. Chairman, we unhesitatingly believe that where people possess a difference of civilization like our oriental neighbors that we will recognize, if we please, they are different from us, whatever their virtues are, whatever their great national progress and whatever their individual characteristics may be, we recognize they are people who are simply different from us; that they belong to a different civilization and that they will not assimilate with us, and with the utmost respect we simply state to them, "Pursue your own course. We admire your progress. But we realize that we spring from different peoples and different civilizations that will not mix, and with the utmost respect and good will for you we prefer that those who can not be eligible for citizenship in the United States shall not be permitted to permanent entry."

Thank you very much.

Mr. WATKINS. What percentage of your membership favor further restrictions? You were speaking of leaving it as it is. What percentage favor further restrictions, or do you know that?

Mr. EMERY. You mean further restrictions than 3 per cent?

Mr. WATKINS. Further restrictions than the present law.

Mr. EMERY. The views of our members were gained largely in the last annual convention, attended by about 1,100 delegates, and the reports of the committees were there received and approved, and the resolutions adopted expressed their opinions, and all those resolutions went to the effect—they are in the record here—of recognizing the propriety of the steps that were taken in emergency to prevent an inundation, but which expressed a hope that that permanent policy would not be translated into a national policy, but that there would be worked out of it a constructive policy of selective immigration in which there could be established some permanent, continuing relationships founded upon ascertained information between the value of the immigration and the economic requirement.

Mr. WATKINS. But did not your association hold a referendum upon several matters coming before Congress, one of which was immigration?

Mr. EMERY. No, sir.

Mr. WATKINS. You never had that?

Mr. EMERY. We did not. Our committee was organized by the president of the association, and when dealing with the question the conclusions which the committee reached were submitted to the convention, and the convention by resolution expressed its policy, and its committee has worked in the line of that policy.

Mr. WATKINS. You do not know what the membership of the various associations which are affiliated with you, in percentage, decided as to further restriction?

Mr. EMERY. I should say that the general view of those associations in support of our position has been very much along the line of the discussion I have endeavored to present to you, and that was that it favored a flexible determination of the number rather than the endeavor to fix it in some rigid term that might be too large at one time and too small at another.

Mr. WATKINS. In my State of Oregon I am advised that the referendum indicated 25 per cent favor further restriction.

Mr. EMERY. Further restriction in what? You mean 3 per cent?

Mr. WATKINS. Yes.

Mr. EMERY. What is the date of that?

Mr. WATKINS. November 10. I was wondering if that was about the situation throughout the United States, or do you know: or did you hold a referendum?

Mr. EMERY. No; we did not. But our system generally followed is this, that where the association has adopted a policy in convention, or one is proposed, that where the State associations are, they are submitted to the State and they in turn make their own determination—whatever means they have, by referendum or by convention, or otherwise. These matters are submitted to their own members, and then we get a return on that from the association itself indicating what its opinion is.

Mr. WATKINS. Of your organization in Oregon, 75 per cent opposed further restrictions, but they favored selective immigration, while 25 per cent favored further restriction.

Mr. EMERY. You mean further restriction than 3 per cent?

Mr. WATKINS. I imagine that is what it means—the present law.

Mr. EMERY. I think that the association has expressed its own belief in flexible administration.

Mr. WATKINS. I just wanted to know from you if that was indicative of the sentiment throughout the United States. The answer is, you do not know?

Mr. EMERY. No, sir.

The CHAIRMAN. The committee is very much obliged to you for the time you have given them.

Mr. SABATH. In view of the fact that Mr. Emery is so thoroughly familiar with the industries of this country who, I assume, employ a great many of the so-called immigrants, I would like to know whether his organization has paid any attention to the newer immigration, as to its value, its patriotism, its industry, and its worth: and whether they are, as a class, desirable or whether they are a dangerous class.

Mr. EMERY. Do you mean whether they entertain dangerous political opinions or whether they tend toward communism or bolshevism or general disrespect for property?

Mr. SABATH. Yes.

Mr. EMERY. No. That is not our experience.

Mr. SABATH. That is not your experience?

Mr. EMERY. No. On the contrary, I will take this very interesting table and concede that a man may be a Socialist and still be an excellent citizen. That is, he can believe in the common ownership of property instead of private ownership of property and endeavor to bring it about through the ballot box, so that if the United

States ever wants to do that it can be brought about. Nevertheless, we regard the tendency toward socialism as one of the first fruits toward the radical's desire for change in the institutional government of the United States. If you will take the last election, it is very interesting to note where the proportion of the Socialist vote was cast, and thus you will find in the States with the larger proportion of alien voters, comparatively speaking, the least Socialist vote. I think I have the figures here, for example. I have a table that was prepared by Mr. Frank Noxen, of the Railway Business Association, who made an extensive study of that. It will be found in the Senate hearing of February 20, 1923. I do not know whether you have seen it, Mr. Sabath.

Mr. SABATH. No; I have not.

Mr. VAILE. What State is this?

Mr. EMERY. This is all the States of the Union. This table shows the percentage of the Socialist vote to the total vote cast for President in 1920. In the first column is shown the rank of the State in terms of the number of foreign-born whites over 21 years to the total population over 21 years. Then in the next column its rank in terms of the per cent of the Socialist vote cast in that State in proportion to the other vote. Take the State of Rhode Island. It has the largest foreign-born population in the United States. Its foreign-born population over 21 years of age is 42.6 per cent. The total Socialist vote cast in that State was 2.6 per cent.

Mr. SABATH. Those in Rhode Island are largely French-Canadians, are they not?

Mr. EMERY. No; I would not say so. A large per cent of them are Italians and the Slavic races. For example, then the largest Socialist vote was cast in the State of Wisconsin, which ranks eleventh in the number of foreign-born white persons over 21 years of age to the total population over 21 years of age, but first in its Socialist vote, which was 12.1 per cent. Connecticut is second in the number of foreign-born whites over 21 years of age to the total population over 21 years of age, its total being 41.2 per cent and its Socialist vote was 2.8 per cent. Massachusetts is third, with 41 per cent of foreign-born whites over 21 years of age and 3.3 per cent Socialist vote. So it goes on down the line. If the table is interesting to you, I will be glad to call it to your attention.

Mr. SABATH. So you do not believe, as a man who represents industries with millions and millions interested in various industries, that there is any danger from the so-called newer immigration?

Mr. EMERY. I would not say that there is no danger from it. I think it would be a very dangerous thing to have the newer immigration unassimilated.

Mr. SABATH. I mean by the present process of assimilation as we have had in progress for the last twenty or thirty years.

Mr. EMERY. I say this with much timidity, but I gather from these discussions in representative conferences that the industrial capacity of the newer races, as you speak of it, differ somewhat. But among it I have found some of the most valuable rough and skilled workers.

Mr. SABATH. Very likely you have something to do with prosecuting some of the I. W. W.'s. Can you tell me whether in the

entire number that there were any that belonged to, or how many belonged to the newer immigration? That is, of those that have been convicted or those that have been charged with any offense.

Mr. EMERY. I have nothing to do with prosecution in those cases, but I have been somewhat familiar with the leaders of the radical movement in the United States. When I say radical, I mean the purpose of which is to accomplish political change by force, or that preaches or practices the physical destruction of property, or that preaches or practices assault upon public officers. I am thinking of those things when I say radicals as against people who have progressive views in regard to legislation. I speak of that in regard to its leadership. The leadership of the radicals is essentially native American. For instance you can look in the Houses of Congress, and you will see that the men who are leaders of the movement to change institutional government find expression through those gentlemen of the old stock, and certainly the leading socialist in the United States, Eugene Debs, is a native son of Indiana, and who is of old stock. My recollection is that the leader of the I. W. W.'s was Bill Haywood. I think he was a native son of your State (Colorado), Mr. Vaile.

Mr. VAILE. Yes. We also had another one by the name of St. John.

Mr. EMERY. If you will read the list participating in the Herrin riot in Illinois you will find that many of them have names of the old stock. I do not mean by that that there are not among alien elements those who are not susceptible of leadership of that kind, but the leadership I believe to-day of the most radical type is under Mr. Z. K. Foster, also an I. W. W. leader.

All radical leaders of the government to-day are from old blood just as the most radical on the other side come from old stock. I do not mean by that to say that because a man is of—

Mr. VAILE. Does that not prove, after all, that those men are of superior intelligence?

Mr. EMERY. Do you mean superior because of the character of their ideals?

Mr. VAILE. No; because of their leadership. I will give you another illustration. We deported a lot of radicals here two years ago. The leaders were men of Jewish ancestry. Certainly no one will accuse the Jews, as a race, of being radicals. They are highly conservative. They were the leaders in that movement because they were the ones who had the brains and they used their brains to lead on the troops just as these men you have mentioned were the ones who had the brains to lead on the other group.

The CHAIRMAN. Mr. Emery, once more we thank you for what you have had to say on the subject, which, as you see, rouses so many classes. We are sorry we can not spare the time for the members of the committee who came with you to be heard.

Mr. EMERY. The members of the committee who are here are at your service to answer any question that you may ask about this subject. They can answer you in terms of experience of large industrial establishments. For myself, I thank you again for your generous indulgence.

**STATEMENT OF MR. C. S. CHING, NEW YORK CITY, REPRESENTING THE UNITED STATES RUBBER CO. AS SUPERVISOR OF ITS INDUSTRIAL RELATIONS.**

Mr. CHING. Mr. Chairman, all I wish to say is this: If we had men as bosses of our industry who are as tolerant and considerate as those of you who have had this committee appear before you in the last few days, we would not have any trouble.

I want to thank you for hearing Mr. Emery, who has had the ability to present the matter better than anybody else from the standpoint of the committee.

The CHAIRMAN. We are glad to have heard him.

We will take a recess for 10 minutes.

**STATEMENT OF DR. SPENCER L. DAWES, MEDICAL EXAMINER OF THE NEW YORK HOSPITAL COMMISSION, AND ALSO PRESIDENT OF THE INTERSTATE CONFERENCE ON IMMIGRATION, REPRESENTING THE STATES OF CALIFORNIA, WASHINGTON, ILLINOIS, MARYLAND, NEW JERSEY, PENNSYLVANIA, CONNECTICUT, RHODE ISLAND, MASSACHUSETTS, AND NEW YORK.**

Doctor DAWES. In saying what I have to say here to-day, I want to state that I represent the authorities in these various States who have to do with the insane, and I say what I am saying to-day to you by their permission, as well as by authority of the State of New York.

The first thing I want to say to you is, if I may do so, Mr. Chairman, to correct what I believe to have been an error in your discussion with the previous speaker in regard to deportations. You spoke of the port of Marseille and of a Pole coming through Marseille and later coming to the United States and being deported. He could not be sent back to Marseille. France would never let him come back there. He would stay right in the United States, unless the Federal Government would undertake to pay his way all the way back to Poland, where he came from and guarantee his delivery in Poland.

We have to-day in New York thousands of public charges in our institutions who came into our country through Canada. We can prove how they came through Canada, but we can not send them back. And the State of New York to-day is paying in the neighborhood of \$5,000,000 annually for aliens insane in their institutions.

Mr. RAKER. Why could you not send them back?

Doctor DAWES. They would not admit them. Canada would not take them. We have Poles to-day by the thousands in our institutions, and the Polish Government will not give them passports.

Mr. RAKER. They are natives of Poland?

Doctor DAWES. Yes, of what is now Poland. They say, "Oh, very well, we will give you a passport, but first you must get us a certificate—a birth certificate from the department where this individual came from." You know what that means to-day; you can't do it. In addition to that, if you get that, it is all very well; you must also show he had his military service. May be he has no papers. May be he sneaked out of the country. You must also have permission from the friends or relatives over there who say



they will take care of him if he comes over there. And in addition to that you must get permission from the municipal authorities over there, or whoever it is. After that they say, "All right, we will see whether he may come back." That is Poland. But if a man came from Czechoslovakia, or Poland, or any other country through France, France would not let him go back.

Mr. RAKER. Are we so helpless that they can pile these people in on us here from everywhere?

Mr. DAWES. Yes, sir. After they get in here. The trouble is that the law is not enforced at the ports of entry to-day. That is the secret of the whole game.

The CHAIRMAN. That is to say, it was not enforced this year or last year or the year before that?

Doctor DAWES. No, sir. And when I say that understand that in particular I am not criticizing the officials at the ports of entry. There are not enough of them there. There are not the facilities there for examination of aliens at the various ports of entry. I say to you to-day that I agree most heartily with the statement of the Commissioner General of Immigration regarding the various parts of the law as to the excluded classes. I do not believe you could carry it much further, and I heartily approve that part of the law. I suppose that it is because I was largely responsible for framing the clause in that law which specifies a class as "constitutional psychopathic inferiority and chronic alcoholism." They said to me, "What is that?" I should say I would hate to have to say myself. The point is this: I doubt if under the most favorable conditions it is possible to give a most careful and satisfactory and proper examination of the immigrant alien at the port of entry. There is no doubt in my mind that there is a means of making an examination which is quite satisfactory, and that is the kind, the type of examination abroad. It is not at all necessary for me, in view of the most comprehensive and complete brief of Judge Box regarding the methods so highly thought of by Mr. Emery and by some others—it is not necessary for me to point out the impossibility of that examination. You all know that as well as I do. It is out of the question, and if it could be done it would be the most ridiculous thing we ever did in the world. Why? The present law provides that when an alien is found in this country who is a public charge and who belongs to the prohibited class, that he shall be returned to the country from which he came—if within the five-year period—at the cost of the steamship company that brought him into this country, and that steamship company shall be fined for having brought him. Do you think for one moment if the Federal Government established a great big plant on foreign soil and said that John Jones, an Englishman, was fit to enter the United States, and he were brought over here, that that steamship company would refund him his money or take him back or pay a fine if we went over on the other side and examined him? No.

But I think there is a way to do it. I think it is practicable. It is one that has been indorsed by a great many associations in New York, and it is one that has been indorsed by many States that are represented here. It is this: As a prerequisite of visé by the American consul, the alien shall furnish, upon a blank provided by the

Commissioner General of Immigration, his family, his personal history, setting forth that a careful examination has been made and that he does not belong to the prohibited classes, attaching to this his dossier if he has one, and providing a fine based upon the cost of transportation, which is a very necessary thing because it depends upon the cost of your transportation whether the fine is effective or not—a fine not less than three times the cost of transportation; and this examination shall be made by a physician or surgeon, as you may choose to use the term, in the employ of the transportation company, which proposes to bring the immigrant to the United States. That does not admit them at all, and leaves the parts of sections 9 and 19 in your present law, of the act of 1917, regarding the imposition of fines and deportations—leaves them right in there just the same. This merely eliminates from those coming into the country a large number of the defective class, such as the epileptics or mentally defective, or insane, or idiots, or the other classes known as constitutional psychopathic inferiors and those of chronic alcoholism and it replaces the responsibility upon the proper one. Some might say the great steamship companies, the great steamship lines, would object to this. They will not. As a matter of fact, no steamship company is going to object. I have talked to two or three large steamship lines myself and they all say that “we believe this thing would work most advantageously, not only to the immigrant himself but to the United States, because it would keep out a great many who would likely be public charges here, and it would lighten your work at Ellis Island. And in addition it would save us money in the end. We would not be liable for fines as we are to-day. We would not have to refund this money. We wouldn't have to take these men back to their homes.”

The CHAIRMAN. It would be a protection to our immigrant inspectors and boards and even officers higher than that?

Doctor DAWES. Of course. Of very greatest service to the United States Government at the ports of entry—it would lighten the work.

Mr. VAILE. You suggest that with his application for visé he should present this documentary evidence and this questionnaire and this medical certificate from the physician of the steamship company, but his application for visé may be made to a consul at an inland place? It might be extremely difficult for him to get the medical certificate. Would he have to go to the port where the steamship officer is located or would the steamship company send its medical officer to the place where there are consuls?

Doctor DAWES. In all the large places in Europe where the steamship companies do business they have agents. As a matter of fact a large portion of our immigration comes through the solicitation, either direct or indirect, from the steamship companies. If they can afford to provide an agent in the interior of Czechoslovakia they can afford to provide some means of examining this immigrant and in saying to Uncle Sam, “He is fit to come into your country.” I say to you that wholly aside from the question of quota, I do not believe one of these people who are defective should ever be permitted to cross our shores. I say to you that the State of New York alone, which contains 9.9 of the population of the United States, and its insane patients are 16.7 of all the insane in the country. It has

41,000 committed insane patients, of which 23,492 were native born and 17,810 foreign born. The native born constitute 56.9 per cent of the total and the foreign born 43.1 per cent; and 25 per cent of the total are actual aliens—not foreign born, but actual aliens.

The State of New York for many years has been begging Congress for permission to bring suit against the United States for \$17,247,616.71, and we are not even permitted to sue for that which we claim it owes the State of New York just for the support of aliens. We have not admitted for the last six years less than 2,000 aliens per annum in our institutions for insane. It is an outrage. We have just bonded our State for \$50,000,000 to provide for buildings to keep these people in. We have several thousand more people in our institutions in New York to-day than we have estimated capacity to care for.

The CHAIRMAN. The statement was made before the committee here yesterday that that statement, that the State had bonded itself for \$50,000,000 was misleading—the \$50,000,000 was to be for public buildings of every kind.

Doctor DAWES. It is not, sir. I talked in the State of New York for months on that very proposition. It is for public buildings for the housing of the insane or any public charges of New York who are incompetent and unable to earn their living.

The CHAIRMAN. The inadequate?

Doctor DAWES. The inadequate; yes, sir. And of that money I think it is no exaggeration—not the slightest exaggeration to say at least \$40,000,000 of it will be spent for buildings to house the insane. We have in our institutions then, and as I told you before, over 10,000 actual aliens. I am not talking about the foreign born at all. That is wholly outside the question—something which I ought not to talk about.

Another point which I want to emphasize while I think of it is that the head tax which was provided in the act of 1882 (was it not?) was for a specific purpose. The purpose of that head tax as decided by law—and it has been so decided by the courts and never has been decided any other way, nor has that act been repealed or reenacted in any other statute—was for the administration of the immigration law and for the aid of the immigrants in distress, and for no other purpose. The courts have decided that that is a fact. What is done with that money to-day? It is covered over into the United States Treasury, and I say illegally. At one time the State of New York maintained an officer and collected a head tax of 50 cents for every alien that entered. Soft-hearted, kind-hearted old New York was persuaded to give that up to the Federal Government, the understanding being that the Federal Government would reimburse the State for the aliens who were thereafter in the State institutions who were properly deportable.

The CHAIRMAN. Did you collect the tax from the citizens?

Doctor DAWES. Everybody, I believe, entering from a foreign port had to pay that tax.

The CHAIRMAN. You collected it as they arrived in the United States?

Doctor DAWES. Yes, sir. Very well. We gave that up. The Federal Government immediately made the head tax \$4, and they paid us

for some time a certain fixed rate per diem for all the deportable aliens they had in our institutions; and after a little while they said they thought they would change that and would pay us only for the time from issuance of warrant for arrest. Well, that sometimes required us to keep these people for a year before we got anything back; and then after a while they said they would only pay us from the issuance of the warrant for deportation—a matter of three or four days usually was all the Federal Government would pay us. They paid us out of this head tax. We might have the alien in our institution for two or three years and never get a penny out of the Federal Government. Later on the war came on and we were notified the Government wasn't getting any more money from aliens and they would not pay us anything. We never did get another cent.

Mr. RAKER. You have read the provisions of the bill H. R. 101. have you not?

Doctor DAWES. Yes, sir.

Mr. RAKER. It already contains the provisions you named with reference to the history and life of the immigrant who desired to come here?

Doctor DAWES. Yes, sir.

Mr. RAKER. And what in addition to that?

Doctor DAWES. That he shall be examined by a physician in the employ of the steamship company, who shall certify that he has made this examination and has found that the alien does not belong to the prohibited class.

Mr. RAKER. In other words, he has made his application with the affidavit showing that he is qualified.

Doctor DAWES. Yes, sir.

Mr. RAKER. He then goes to the physician of the steamship company, no matter where it is located?

Doctor DAWES. Yes, sir.

Mr. RAKER. Whether it is at his home or a few miles from his residence or at the port of embarkation before he starts.

Dr. DAWES. Yes, sir.

Mr. RAKER. And then he should have attached to that document which he has already obtained a certificate from the physician of the steamship company that transports him, certifying that he has read the application, has made examination of the applicant and that he has found him competent and qualified to enter the United States.

Doctor DAWES. You are absolutely correct, yes, sir; only that that blank upon which he makes this application shall be provided by the Commissioner General of Immigration.

Mr. RAKER. Well, that is provided in the bill.

Doctor DAWES. Yes, sir.

Mr. RAKER. And when the immigrant arrives at the port of landing if it is possible to find by an examination here that he is not admissible then in that event the steamship company should be fined three time the value of the cost of his transportation and he should be transported back home by the same steamship company.

Doctor DAWES. Yes, sir.

Mr. RAKER. And his expenses paid?

Doctor DAWES. Yes, sir. But there is one addition to that. It also would be a fact that should this immigrant, at a subsequent date,

within five years after his entry into this country, become a public charge from causes affirmatively shown not to have arisen subsequent to landing, also an adequate examination before coming could have shown that he belonged to these prohibited classes, he shall be deported just the same, the steamship company shall be fined just the same. Leaving the prohibition in your law just the same as at the present regarding the fine and deportation except the amount of the fine.

**Mr. RAKER.** Then your examination as now required by law should be made at the port of entry—the fact of his visé and fact of his passport and the fact of the certificate of the examination by the doctor of the steamship company at the port of embarkation should not in any way affirmatively or even *prima facie* show that he is admissible to the United States?

**Doctor DAWES.** Not at all. That has nothing to do with it at all. That simply permits him to get his visé—that is all. That is all for him. But in the meantime it puts out of business a large number of those who might come over here and suffer the hardship of coming away to America and suffer the hardship of having to be deported; and in addition to that it helps the Government and all of the officials who have to do with the work at the port of entry and saves the steamship company money.

**Mr. RAKER.** That would be no hardship upon the immigrant.

**Doctor DAWES.** No. It would be a great boon to many of them, save them from coming over here.

**Mr. DICKSTEIN.** What would you do in the case where an examination was made and a particular malady was not discovered at the moment, but was afterwards discovered? Would you say that the steamship company should be penalized?

**Doctor DAWES.** No. I am leaving the provisions in regard to that just as they are in the present law. In the present law you can not fine the steamship company unless you can show an adequate examination prior to his having come to this country would have shown it.

**Mr. RAKER.** The record shows that last year some 42,000 applicants for admission at the port of New York were reported adversely at the port of entry and about 21,000 were admitted.

**Doctor DAWES.** Yes, sir.

**Mr. RAKER.** Will you tell the committee how such a state of affairs could exist?

**Doctor DAWES.** In only one way: You say how? I do not see why because I do not know why.

**Mr. RAKER.** That is about the situation is it not?

**Doctor DAWES.** Yes, sir; I do not know that those figures are exactly right.

**Mr. RAKER.** Well, approximately.

**Doctor DAWES.** Yes sir; they are approximately correct. The fact is this: The Secretary of Labor has been given a certain latitude regarding the admission of immigrants. The law says he may admit then under bond or even without bond. That is one of the things I was going to talk about. He may admit under bond or even without bond into the United States even those who are of the prohibited classes. For instance, he may admit an insane person temporarily only, for treatment under bond, if the removal of this alien who has

been excluded by the doctor is going to be detrimental to his health. Under that temporary clause, I do not know the exact number for the year 1923, but in 1922 as I recollect it there were—(I can give you the figures right here, I think I have them), there were admitted under bond, of those who had been excluded at Ellis Island originally, 4,724 temporarily under bond. That is at Ellis Island.

Mr. RAKER. Your New York insane institutions got those.

Doctor DAWES. I do not know how many of them, but they got some of them. What kind of bond was it? Five hundred dollars, personal bond, and the record of the Commissioner General of Immigration shows that subsequently 95 per cent of those bonds voided—no good.

Mr. RAKER. What is your remedy for this state of affairs?

Doctor DAWES. Well, my remedy is this. I do not undertake to say that the admission of these 19,934 in the fiscal year ending 1922 was illegal—I do not know whether it was or not. I would go so far as to say if it was or not.

Mr. RAKER. They have got it reported by the Public Health Service as inadmissible.

Doctor DAWES. Well, I know; but whether that was illegal or not, I do not know.

The CHAIRMAN. Well, let us get the figures for several years. I do not think we want to criticize them.

Doctor DAWES. No.

The CHAIRMAN. It is this way. For quite a number of years the admissions under bond and admissions under the recommendations by medical officers has been several thousands a year, and it appears that there were more recommendations than there were eliminations.

Doctor DAWES. Yes, sir.

The CHAIRMAN. We have got to eliminate some of these on the ground that all over 50 years old are considered as in a state of senile dementia.

Doctor DAWES. Yes, sir.

The CHAIRMAN. That will reduce it some, but every year there are several thousands admitted over the protest of the doctors.

Doctor DAWES. Yes, sir.

The CHAIRMAN. Now then, the Secretary of Labor, or his chief assistant, are asking them to relieve them of the situation by which appeal is made to them for this bond.

Doctor DAWES. Yes, sir.

Mr. RAKER. Your theory to remedy the situation is that a security bond should be given.

Doctor DAWES. I have said as to that what the recommendations were of the interstate conference of regarding admission under bond, shall be "provided that no alien belonging to the class of mandatorily excludable aliens suffering from insanity, feeble-mindedness, epilepsy, constitutional and psychopathic inferiority, or chronic alcoholism shall not be admitted under bond at all."

Mr. RAKER. Why not let them go one step further and say that all shall be excluded?

Doctor DAWES. I agree with you, but I did not undertake to recommend that for it is none of my business. I am talking of those things that I know about and I do not purposely because I want what I say to have weight. I want you to understand that

when I am giving you advice, or asking you questions I have got the difficulty from which my State is suffering behind me.

Mr. RAKER. From that organization, and from your State, which you have mentioned etc., with the recommendation that none should be admitted under bond—your view is that will correct the evil?

Doctor DAWES. Yes, sir; and my idea is also that when any alien who had been recommended to be excluded is admitted under bond, he shall be admitted under bond in the sum of \$5,000 given by security companies. That is some good. Their personal bond is no good.

Mr. DICKSTEIN. You say that you come from the State of New York?

Doctor DAWES. I do, sir.

Mr. DICKSTEIN. You are permitted to come here and make these statements by the authority of your conferees?

Doctor DAWES. Yes, sir; and the State of New York also.

Mr. DICKSTEIN. I am talking about the State of New York, in which I am just at this moment interested.

Doctor DAWES. Yes, sir.

Mr. DICKSTEIN. And these figures you say should enlighten the committee upon the point you make regarding these feeble-minded and undesirables?

Doctor DAWES. I think so; yes, sir.

Mr. DICKSTEIN. Now, you have made a statement here that during the fiscal year 1922—and I am just following up a line of examinations that has been opened up by the chairman—that among the 22,000 that were admitted were a lot of senility cases. Is that right?

Doctor DAWES. I presume so.

Mr. DICKSTEIN. Do you know how many of those were in excess of 22,000?

Doctor DAWES. No, sir.

Mr. DICKSTEIN. Do you know how many were suffering from hookworm?

Doctor DAWES. No, sir. I can tell you by reference to the commissioner general's report.

Mr. DICKSTEIN. Well, I thought you had it in these figures here. Do you know how many were suffering from sore eyes?

Doctor DAWES. I can not tell you the figures. I do not carry those in my head.

Mr. DICKSTEIN. Is it not a fact that there were a number of those cases that were curable, and who were cured and were examined and kept at Ellis Island before the department would release them from Ellis Island?

Doctor DAWES. Yes, sir; and very properly, too. I quite agree with that.

Mr. DICKSTEIN. After examining them and letting them over and holding them over 90 days?

Doctor DAWES. Yes, sir. That is true.

Mr. DICKSTEIN. And if they find that it is not contagious they were simply aliened and they were satisfied that it would not affect any person of our citizenship or our country, they would release them. Is that not right?

Doctor DAWES. A good many of those to which you refer as being held for observation. I am not referring to those held for observation. There were thousands that were held for observation that were never recommended to be excluded by physicians.

Mr. DICKSTEIN. Is it a fact that in the 22,000 to which you refer, who came into the United States up to 1922, the fiscal year 1922, and who were imperfect—did you make that statement?

Doctor DAWES. I do not get your meaning.

Mr. DICKSTEIN. I say the 22,000 that were admitted up to the fiscal year 1922, all of whom were sick with some disease or other—

Mr. DAWES. Yes. Well, they weren't all sick.

Mr. DICKSTEIN. Is it not a fact that the 22,000 were simply held back for investigation at the hospital?

Doctor DAWES. No, sir.

Mr. RAKER. They could not be.

Mr. DICKSTEIN. Why not?

Doctor DAWES. They were recommended to be excluded, sir, after an adequate examination and observation.

Mr. DICKSTEIN. They are not included in the 22,000?

Doctor DAWES. The ones that you speak of; no, sir.

Mr. DICKSTEIN. What does the 22,000 consist of?

Doctor DAWES. Those who were recommended to be excluded. They belonged to the excluded class.

Mr. DICKSTEIN. Do you mean to tell me that after the medical department of Ellis Island ordered them excluded for diseases and ailments such as you described, that they were allowed to come in?

Doctor DAWES. Yes, sir; that is exactly what I mean.

Mr. DICKSTEIN. By whom?

Doctor DAWES. I presume the order was signed by the First Assistant Secretary of Labor, because he is the one that has to do with that. I do not know that.

Mr. DICKSTEIN. Do you mean the Assistant Secretary of Labor, in face of a medical certificate by the doctor at Ellis Island, released these immigrants?

Doctor DAWES. My dear sir, I have on file in my office in New York letters which I have written to the department, telling them that they have broken the law and that they have canceled warrants for arrest based upon the word of a dozen competent psychiatrists of the State of New York, and the State of New York was not allowed to have a word to say.

Mr. DICKSTEIN. Do you not know that under the law and regulations that were made pursuant to the law of 1917, that any case of that character is not within the jurisdiction of an appeal to any department and the minute the decision is made the alien must be excluded?

Doctor DAWES. No, sir; I do not.

Mr. DICKSTEIN. You do not?

Doctor DAWES. No, sir. If the Secretary of Labor is convinced—the Secretary of Labor must first be convinced—that the alien should be deported, he must be deported.

The CHAIRMAN. I know that hundreds of just such cases have been appealed and hung up in the Secretary's office and that thereafter



pressure of every kind from Senators and Congressmen and from gentlemen who have been here for any kind of restrictive immigration legislation to get the Secretary to hold up the operation of the law.

Doctor DAWES. I certainly know it, sir.

Mr. DICKSTEIN. You seem to know a whole lot about this matter.

Doctor DAWES. Yes, sir; I do.

Mr. DICKSTEIN. You know everything that has transpired at the Secretary's office?

Doctor DAWES. I do not know anything that has transpired there.

Mr. DICKSTEIN. You made the statement that a lot of so-called personal bonds were given for the admission of those people and that a number of them were not collectible. Do you know, as a matter of fact, that before a bond is given the law requires two real property owners must qualify for double the amount of the bond, and they must present their deeds and attach receipts before the bond is accepted by the authorities at Ellis Island, and that no personal bonds have ever been accepted?

Mr. RAKER. Hundreds of them, by examination. They let a man loose on his own personal recognizance.

Mr. DICKSTEIN. Give me one case, or let the Doctor give me one case.

Doctor DAWES. If you will examine the statement of the Commissioner General of Immigration, you will see for yourself that while some were admitted under bond others were admitted without giving bond of any description.

Mr. DICKSTEIN. Did you figure out in that 22,000 what the percentage—

Doctor DAWES. You are getting those figures a little too high. The 22,000 figures are the figures which were for 1923, and the figures which I gave in there amount to nineteen thousand nine hundred and some odd.

Mr. DICKSTEIN. We will make it 19,000. Can you tell us the proportionate number of ailments that these people suffered from who were allowed to come in?

Doctor DAWES. If you will look on page 121 of the report of the Commissioner General of Immigration for the year 1922, you will find the statement.

Mr. DICKSTEIN. You base your statement and your remarks to this committee on that report, do you?

Doctor DAWES. Yes, sir.

Mr. DICKSTEIN. You do not know of your own personal knowledge of this condition that you are now relating to this committee, do you?

Doctor DAWES. No sir; I base it upon the report of the Commissioner General of Immigration.

Mr. RAKER. For the year 1922?

Doctor DAWES. Yes sir.

Mr. RAKER. I was looking for 1923.

Doctor DAWES. I do not know about 1923 because I have not figured this up here. I have not seen this. For 1922 you will find it upon page 121.

The CHAIRMAN. I am very glad to have your suggestion about amending the law.

**Mr. VALLE.** I want to ask you if it is not your judgment that a head tax which you mentioned ought to be paid to the Department of Labor and the Bureau of Immigration for the administration of the immigration laws?

**Doctor DAWES.** Absolutely; and I think that is in accordance with the act of 1882. And there is one thing more; I believe that it was the intent of that head tax law that the fund was to be used for one purpose and one purpose only. Under this definite quota law that head tax is not going to be enough to provide for the examinations and other expenses at Ellis Island and other ports of entry; and if it is not you should increase it.

**Mr. RAKER.** Let us go back to a few years ago in reference to that 50-cent head tax that the persons should pay at the port of entry in New York. He could not land unless he paid the 50 cents. could he?

**Doctor DAWES.** No sir; he could not get off the ship.

**Mr. RAKER.** Did not a Federal judge—one at Atlanta and another at New Orleans and still another at some other place—hold that the act was unconstitutional?

**Doctor DAWES.** Yes, sir. I think I have got it right here. It was in 1875, in the case of *Henderson v. the Mayor of New York*.

**Mr. RAKER.** And there were three cases which followed that?

**Doctor DAWES.** Yes sir; they were all based on that.

**Mr. DICKSTEIN.** Do you wish still to contend before this committee that if the two medical doctors at the port of entry certified the man's insanity that the Labor Department or the man you referred to can let them off on bond.

**Doctor DAWES.** Yes sir; they may.

**Mr. DICKSTEIN.** May I call your attention to paragraph 16 of the immigration law which is now in force which says that any alien certified for insanity or mental defects may appeal to the board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and such alien may introduce proof by medical experts. It is a fact if a man is certified to suffer from insanity or feeble-mindedness that that matter can only go to the Surgeon General, who may reverse or affirm it?

**Doctor DAWES.** The final authority is the Secretary of Labor. The law provides that the Secretary of Labor first must be satisfied in his own mind that the alien does properly belong to the prohibited class. This seems to me that that allows for a very wide latitude to the lay mind, speaking from the attitude of the psychiatrist just as much as it does to the Supreme Court of the United States or the Supreme Court of the State of New York. He is able to say to the person who comes upon the witness stand, I have examined you and although there are 35 psychiatrists who say you are insane I believe you are sane and you are discharged. The law says that if the Secretary is satisfied; and the law also says that if the Secretary is of the opinion the alien's health may be injured by deportation the Secretary may admit him temporarily.

**Mr. DICKSTEIN.** I call your attention again to section 17 of the immigration law and the point to which I wish to bring to your particular attention is as follows:

*Provided, That the decision of the board of special inquiry shall be based upon the certificate of the examination by the medical officer, and except as provided by section 21, it shall be final as to acceptance or rejection of that alien.*

**Doctor DAWES.** Yes, sir.

**Mr. DICKSTEIN.** Is it not a fact that upon that certificate the immigrant is denied the right of appeal and that no person as you have alluded to the Secretary, has power to release that immigrant.

**Doctor DAWES.** Yes, he has; just as I mentioned that the law provides that the Secretary of Labor "shall be satisfied" that he belongs to this excluded class and unless he is so satisfied he may do it, and also if he is satisfied that the man's health will be injured by being deported he may be admitted temporarily.

**The CHAIRMAN.** In other words the law marches uphill just as bravely as it please—

**Doctor DAWES.** Yes, sir; and then marches down again like the King of France.

**Mr. RAKER.** In the former hearings before this committee on page 24 is illustrated by the case of a feeble-minded woman who was paroled and who got married, and was about to become a mother. There were other cases who were excluded. The hearing gives page after page of such cases.

**Doctor DAWES.** Coming up to this warrant business, let me speak of that. That is a very important thing. At the present time, for example, I find an insane alien in one of our institutions. The cause of psychosis arises before his landing or not after his landing. I certify this to the Commissioner General of Immigration and the alien is given a hearing. We give them all hearings, and the officials are satisfied that I have told the truth or that what I have said is plausible at least.

**Mr. DICKSTEIN.** Is it not a fact that your certificate is always a presumption of the *prima facie* case as against that particular alien—that you feel is suffering from insanity.

**Doctor DAWES.** I always feel it should be; yes, sir. Then that is sent down to Ellis Island and after they have had a hearing they have to write down to Washington to the Commissioner General of Immigration, and he refers it to the second solicitor general or somebody else, and finally he says "yes" or "no" before he can give a warrant. A warrant of arrest is merely starting proceedings. What I say is this: That the warrant of arrest—and I recommend it here and urge it upon this committee most emphatically—should be issued at the port of entry, upon certificate that this alien by competent authority is declared insane.

**Mr. DICKSTEIN.** You and I know the port of New York very well. Let me give you an example for illustration. Here is a girl that came into the United States in 1917, in perfectly good health, no malady at all. She ran along for about 3½ or 4 years without getting a sudden attack. Evidently she loses her sense, or mind, and she is taken to one of the State hospitals. She can not escape you, can she, if you find that she is insane?

Doctor DAWES. Ordinarily not.

Mr. DICKSTEIN. She can not escape you, and you, immediately upon your examination of her and finding her to be an alien, notify the Ellis Island authorities.

Doctor DAWES. No, sir.

Mr. DICKSTEIN. What do you do?

Doctor DAWES. The first thing I do when I find her there is to look over her history and verify her entry. I do not certify her to the port of entry or to anybody. In the meantime I have a doctor—I used to do it myself but I do not have time any more—from my office go to the hospital, he being a competent psychiatrist, and give her an examination to determine whether the cause of psychosis could have arisen after landing. He bases that upon the examination of the alien and the history of the alien and all of the other facts, and if he finds that the psychosis arose in the United States he never goes any further.

Mr. DICKSTEIN. Let me ask you this further question? What is the percentage of insanity which you say occurs while in the United States and what per cent before the alien comes here.

Doctor DAWES. I do not know.

Mr. DICKSTEIN. Is it not a fact that from your own records in nine out of ten cases you certify that the case comes from abroad?

Doctor DAWES. Yes, sir.

Mr. DICKSTEIN. Your record is, 100 per cent of all immigrants such as insanity cases come from abroad?

Doctor DAWES. No, sir.

Mr. DICKSTEIN. I have examined your records.

Doctor DAWES. You have examined my records?

Mr. DICKSTEIN. I have been a member of the State senate.

Doctor DAWES. Well, those records do not show that.

Mr. DICKSTEIN. I know more about your records than you think I do.

Doctor DAWES. You say 100 per cent of all I certify? No.

Mr. DICKSTEIN. How many did you certify that had maladies arose in the United States or after they got here.

Doctor DAWES. I did not certify any.

Mr. DICKSTEIN. Well, your hospitals which you supervise.

Doctor DAWES. We do not supervise.

Mr. DICKSTEIN. I mean the jurisdiction which you represent—the hospital commission, centralizing all the institutions in the State. How many did you certify in the last 10 years, such as insanity, feeble-mindedness, as having occurred while in the United States?

Doctor DAWES. I couldn't certify any such. That is not my business. The only ones I am permitted to certify are those in which the psychoses are incurred after the landing. The law reads that way. If I find that the psychoses occurred after landing I can not certify them.

Mr. SABATH. He does not mean certify, he means found.

Doctor DAWES. I do not know. Not very many. I know that there was one last week.

Mr. DICKSTEIN. Any more?

Doctor DAWES. Not last week; no.

The CHAIRMAN. You are losing a great deal of time by going into all those figures. We had a hundred and odd cases that we tried to

go over once about three or four years ago. It always crops up that the institutions are filled with insane, an excess quota, and there is no way of getting them out. Have you ever tried sending them down to Ellis Island?

Mr. DICKSTEIN. As a member from the State of New York. I would suggest that your committee come to New York.

Mr. SABATH. I want to ask a few questions. You say there are how many aliens in the insane hospitals of New York?

Doctor DAWES. Last year there were 13,000.

Mr. SABATH. Out of how many? What is the total number?

Doctor DAWES. The total number in the institutions prove that there is a little over 41,000.

Mr. SABATH. And of the 41,000 there are 13,000 aliens—that is those born abroad?

Doctor DAWES. They have never become citizens of the United States.

Mr. SABATH. Well, they could not.

Doctor DAWES. They must have been born abroad if they were aliens.

Mr. SABATH. Of course we do not permit insane aliens to become citizens.

Doctor DAWES. No.

Mr. SABATH. What I wish to know is whether of the 41,000 insane inmates in your State institutions 13,000 were aliens?

Doctor DAWES. Yes, sir; last year that was the ratio. It varies, you know, from year to year.

Mr. SABATH. Do you know the population of New York?

Doctor DAWES. I could not tell you.

Mr. SABATH. Do you know what is the percentage of foreign-born citizens in the State of New York as compared with the total population of the State?

Mr. HOLLADAY. This 13,000 is not foreign born; it is alien.

Doctor DAWES. I am not referring to foreign born.

Mr. SABATH. What percentage have you in the State who were foreign-born?

Doctor DAWES. Over 46 per cent. That includes aliens and foreign born, and, if you want to go further, 68.7 per cent of our entire insane hospital population had both parents foreign born. I am not basing any argument I make on those figures. I think it is entirely beside the question.

The CHAIRMAN. In other words, you have got enough without that

Doctor DAWES. Yes, sir.

The CHAIRMAN. You think that it is not a proper charge on the State of New York?

Doctor DAWES. Yes, sir; you will pardon me. Mr. Chairman, if I state here that I think these warrants should be issued by the Commissioner of Immigration at the port of entry. The department here in Washington has ample time to investigate. It has time before warrant for deportation must be issued. We will certify a case for deportation, the warrant of arrest is issued; we are all prepared and everything is going along nicely. We think this alien is going to be deported and forthwith we get a letter in this form, "The First Assistant Secretary of Labor or the Commissioner Gen-

eral of Immigration directs me to inform you that the warrant of deportation in case so-and-so has been canceled," and the State of New York has never been given a chance to be heard.

The CHAIRMAN. What you want is that the warrant shall be issued by the commissioner at New York and the State given a chance to be heard.

Doctor DAWES. Yes, sir. We may be wrong, but we should have an opportunity to be heard.

Mr. DICKSTEIN. How can the Secretary cancel these warrants without having a hearing?

Doctor DAWES. I do not know, sir. He gives the alien a hearing, but he does not give me one.

The CHAIRMAN. You mean he goes up direct and gets his hearing?

Doctor DAWES. Yes, sir. As a matter of fact I have a letter on file in my office to-day from the Commissioner General of Immigration in a case in which I had written him several times without getting a reply. Finally, I said to him that I felt the State of New York had been hurt so badly about this thing that unless I did get some reply I would have to go to the Secretary of Labor. He then replied that if I would let him know what kind of cases I wanted to be heard in he would let me know when they were to be heard. I wrote him back that I didn't know; if I knew what case was to be heard I would let him know when I wanted to be heard. I have not heard from him since.

Mr. RAKER. I want to ask you about certain figures here. The total population in 1910 was \_\_\_\_\_?

Doctor DAWES. Yes, sir.

Mr. RAKER. And the percentage of alien insane in 1910 was 29.2 per cent. Can you recollect that?

Doctor DAWES. No, sir.

Mr. RAKER. Can you recollect these figures for 1920: The population for the State of New York, 10,385,277, and the percentage of alien insane was reduced to 20.4 per cent, a reduction of nearly one-third.

Doctor DAWES. One-third? I know that there was a reduction, but I do not know how much.

Mr. CELLER. Is it not a fact that if you will compare the total number of insane you will find that that is a reduction from 1910 to 1920 in proportion to the total number of insane aliens here?

Doctor DAWES. Yes, sir.

Mr. CELLER. That is quite an important addition to your testimony here to-day.

Mr. RAKER. That does not change the fact that there are 40,000 insane in the State of New York to-day, does it?

Doctor DAWES. No, sir.

Mr. RAKER. And 13,000 are actual aliens?

Doctor DAWES. Yes, sir; for the fiscal year 1923.

Mr. DICKSTEIN. Is it not possible, Doctor, to establish the percentage of aliens who have become insane since they came to the United States, or the percentage of cases in which the cause of the psychosis arose after they came to the United States?

Doctor DAWES. It is not any more possible to establish that than it is to establish the cause of insanity.

Mr. CELLER. And, conversely, do you not find that the percentage of the native born to the total number of insane has increased as compared with the alien insane?

Doctor DAWES. Yes; and there is a reason for that.

The CHAIRMAN. You are willing to admit, also, that if the Federal law were effectively carried out, we should not have any insane of any kind?

Doctor DAWES. Mr. Chairman, if the provisions of the law which I have recommended are put into effect, and if the law is enforced, I will very soon be out of a job—absolutely. There is no possible doubt about it. I would be absolutely out of a job.

Mr. RAKER. Referring to the percentage of 1920, they claim that there is a reduction. Is it not a fact that the immigration has very materially fallen off in those years?

Doctor DAWES. Yes, sir. Let me call your attention to a fact right here. I testified before this committee on February 8 last, and I read from my testimony at that time the following:

During the fiscal year 1919 the United States Government deported 87; my office issued 170 certificates for deportation, upon all of whom warrants were granted. These are all warrant cases, so it is pretty evident that they were good cases.

Mr. DICKSTEIN. That is not proof—because you certified them.

Doctor DAWES. Oh, no; there are plenty of cases where I issue certificates that do not get anywhere.

The CHAIRMAN. Here are two prominent New York gentlemen. One wants to get the alien out and the other wants to keep him in.

Doctor DAWES. In 1920 there were 147 deported, and I certified 186; in 1921, 329 were deported, and I issued 199 certificates. In the next year the Federal Government deported 172 and we issued 288 certificates. Last year the Federal Government deported 250 and I issued 323 certificates. We issued more certificates and we are getting more warrants on them every year than the Federal Government is deporting.

Mr. RAKER. Than the whole Federal Government?

Doctor DAWES. The entire Federal Government, from New York.

Mr. VAILE. In view of a question by Mr. Celler and its possible inference and the statement by Judge Raker about the percentage of increase having greatly decreased in the last decade, it might be well to say that the percentage has decreased in the last decade.

Doctor DAWES. That was a matter which I did not think I was particularly anxious to discuss. As a matter of fact, not only has the rate of immigration decreased to an enormous extent, far greater than the percentage of insanity of them in our institutions, but in addition to that the people of the State of New York have become educated, so that they now send their friends and relatives to these institutions for treatment, whereas a decade ago they would have hidden them away in the woodshed or in the barn, because it was considered a disgrace to be insane. But now more and more, just as in the old days they would not go to a hospital because the ignorant and ill-advised thought that it meant death if they went to a hospital, now they do go, so it is with respect to sending their insane relatives to the hospital.

Mr. DICKSTEIN. How many insane persons as you have described were admitted by the Secretary of Labor on bond or otherwise in the year 1922 to 1923?

Mr. DAWES. On bond?

Mr. DICKSTEIN. Or paroled?

Doctor DAWES. Do you mean in my case?

Mr. DICKSTEIN. Yes.

Doctor DAWES. I should hate to be pinned down to numbers.

Mr. DICKSTEIN. Well, about.

Doctor DAWES. I should not think that there were permitted to remain under bond either in the fiscal year 1922 or the fiscal year 1923—I do not believe in either year there were over 15 or 20.

Mr. DICKSTEIN. Is it not a fact that the Secretary of Labor is more stringent now and the moment a suspicion of insanity is made he does not let them in and has not that been the case for the last two years or more?

Doctor DAWES. It is very much less.

Mr. DICKSTEIN. Very much less in 1920 than 1919?

Doctor DAWES. Yes, sir; but there has been a very active crusade going on during that time.

The CHAIRMAN. We are very much obliged to you.

Doctor DAWES. May I say to you Mr. Chairman and the rest of you gentlemen that I thank you very much for your courtesies. I feel that I have never been treated with greater courtesy by any committee of Congress.

#### STATEMENT OF PROF. H. S. JENNINGS, PROFESSOR ZOOLOGY IN JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

The CHAIRMAN. Professor Jennings, you have your statement already prepared, have you?

Professor JENNINGS. Yes, sir.

Mr. RAKER. Have you anything in addition to that that you wish to say?

Professor JENNINGS. Yes sir.

Mr. RAKER. How long would it take you?

Professor JENNINGS. I can state the general upshot in five minutes. Of course I can not give you anything like a full discussion.

As a student of hereditary and racial problems I have made a study of Doctor Laughlin's report and I can give you in a few words the point I want to bring out. I have, in place of dealing with a large number of small groups as Doctor Laughlin did, classified the foreign-born into a few large groups, in each of which is included 1,000,000 or more of our foreign-born population; and have then examined the proportions of defectives in these major groups. You will find that there is brought out in the article which is published the fact that the largest proportion of defectives comes from Ireland; the smallest comes from Austria-Hungary. The largest proportion in the largest class, the insane, comes from Ireland; the largest in the second class, the criminals, comes from south Europe (the order is, the Balkans first, Italy second, and so on). The third largest group (so far as European-born are concerned) is that of the dependents: In this



Ireland is first, with a quota fulfillment about six times that of the average. These are examples of what I had to present.

If the quota of admission of immigrants is changed to the 1890 basis instead of the 1910 basis, you very greatly increase it from Ireland and decrease it from the so-called newer immigrant countries. The proportion from Ireland in 1890 is about twice what it was in 1910. Laughlin's report makes it possible to compute accurately, on the assumption that his figures are representative, what would be the situation as to defectives if the European-born population were constituted as it was in 1890 instead of as it was in 1910; that is, of course, the condition toward which tends the change to the 1890 basis.

I have made such a computation based on the grouping into a few major divisions. This, of course, yields not quite as exact results as would a grouping into smaller divisions, but the general outlines of the results are the same. What it shows is this, that a European-born population constituted as in 1890 would have a larger proportion of insane than that of 1910. It would have a very much larger proportion of dependents. It would have a somewhat larger portion of epileptics; it would have a very much smaller proportion of criminals; it would have a considerably smaller production of tuberculous. There is one other class that would be reduced, but I can not think of it this moment.

If my computations are correct, and I bring them to you only as suggestive, it follows that the 1890 basis would not change the number of defectives in our institutions but would change the combinations, make more insane, more dependents, and fewer criminals, and fewer tuberculous.

Mr. HOLADAY. Is that set forth in your article?

Professor JENNINGS. Only a part of it. I will submit a written report.

The CHAIRMAN. You started off by taking a census of the inmates in these institutions. A lot of those inmates probably came here a number of years ago, did they not?

Professor JENNINGS. Yes, sir.

The CHAIRMAN. That is the population we have got and have had. You go back to 1890 and society would represent the same division, would it not?

Professor JENNINGS. Yes, sir. I do not know that I quite understood you there.

The CHAIRMAN. On this day there are a certain number of people in the United States, a certain number in the asylums not affected by the immigration in years to come, but by that that is here.

Professor JENNINGS. Yes.

The CHAIRMAN. Insanity does not develop in childhood. What basis do you use to get your figures unless you are dealing in prospectively insane?

Professor JENNINGS. If this report of Mr. Laughlin means anything it seems to me that it would mean such differences as I have indicated. I hold no brief for the report.

(A written statement was submitted by Professor Jennings. It is published in full as follows:)

THE JOHNS HOPKINS UNIVERSITY,  
Baltimore, Md., January 8, 1924.

Congressman ALBERT JOHNSON,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I am sending you herewith the written statement for the Committee on Immigration and Naturalization, arranged for at the brief hearing given me on January 4, 1924. I have prefaced it by a short summary of the points it endeavors to make, so that you will be able to decide without going into the details whether these points, even if established, are germane to your purposes.

Permit me to say that I appreciate the extreme difficulty and complexity of the task on which you are engaged, and realize that the points made in my statement touch only one aspect out of many; also that, from my observations last Friday, I admire the thoroughness, patience, and fair-mindedness with which you are handling your task.

I am sending a copy of this statement to Congressman Celler, by whose request I came before the committee.

Yours truly,

H. S. JENNINGS.

**THE RELATIVE NUMBERS OF EUROPEAN-BORN DEFECTIVES FROM THE CHIEF SOURCES OF EUROPEAN IMMIGRATION AND THE EFFECT OF A CHANGE IN THE BASIS OF ADMISSION, FROM THE CENSUS OF 1910 TO THAT OF 1890.**

[Statement for the Committee on Immigration and Naturalization of the House of Representatives, in pursuance of the hearing of January 4, 1924. By H. S. Jennings, professor of Zoology in the Johns Hopkins University, Baltimore, Md.]

**BRIEF SUMMARY OF CONCLUSIONS.**

The following exposition sets forth that:

1. The data presented in Laughlin's report, "Analysis of America's Modern Melting Pot," show that with relation to proportions of defectives in our governmental custodial institutions, the division of European immigrants into those from the north and west on the one hand, the south and the east on the other, or into the "older" and "newer" immigration, is not a sharply defined one. Of the eight major groups from which European immigrants come, the heaviest source of defectives is found in one of the "older" set; while the group with the lowest proportion of defectives belong to the "newer" set. In that class which includes more than two-thirds of all the European defectives, the insane, the proportion from the north and west is distinctly greater than that from the south and east.

2. A change in the proportions of our European-born population from that prevailing in 1910 to that prevailing in 1890 (other things being equal and the total number of European-born remaining the same) would, while reducing greatly the numbers from some of the more defective groups, likewise reduce greatly the number from that major group having the best record, and double the number from that major group having the worst record.

Would this on the whole increase or decrease the number of European-born defectives? If the conditions found in Laughlin's report be considered the outgrowth of the situation of the European-born population at about 1910 (as Laughlin holds them to be), and if they be considered typical, analysis shows that a change in the proportions of the European-born population to that prevailing in 1890 (other things being equal), would not reduce the number of European-born defectives in the governmental institutions. The analysis indicates that it would increase the number of insane, dependent and epileptic; decrease the numbers of criminals, tuberculous and feeble-minded; and that these various increases and decreases would offset one another, so that the total number of defectives would remain practically the same.

This positive conclusion, of course, can not be considered established, since there are many sources of uncertainty; particularly as to whether the conditions found by Laughlin are properly to be considered the outgrowth of the situation prevailing at 1910. But the negative conclusion is warranted that the data of the Laughlin report give no indication that a change in the pro-

portions of the different groups of our European-born population from those of 1910 to those of 1890 (other things being equal), would decrease the number of defectives in our State and National custodial institutions.

In so far as the proposed change from the 1910 basis to the 1890 basis is for the purpose of decreasing the number of defectives entering the United States, these points appear deserving of consideration. To other possible grounds for the change they are not pertinent.

#### EXPOSITION.

1. Relative numbers of defectives in the main groups of European-born (data from Laughlin's report).

In examining the data of Laughlin's valuable report as to the numbers and relative proportions of defectives contributed to our custodial institutions by different European stocks, the vast mass of details in itself tends to obscure some of the most significant features, some of the main outlines of the situation. These reveal themselves if the material is grouped into a few chief classes. Not merely the proportions of defectives but the actual numbers of cases involved is of extreme importance for the effect on our population of any particular type of immigration. For example, in Laughlin's diagram for insanity the case of Serbia looms up larger than that of Ireland, yet there were found 18 insane from Serbia and 3,782 from Ireland. Cutting out the insane from Serbia would have little effect on our numbers of insane; cutting out those from Ireland would have a very considerable effect.

In Europe there are seven national or regional groups from which had come in 1910 some 94 per cent of our European-born population (11,071,760 out of 11,791,841); each of these had contributed more than a million of our foreign-born. Next in size, though much smaller, is an eighth group, the nations of the Balkan Peninsula, which had contributed 220,946 foreign born; this is of interest because its contribution had so greatly increased of late (from 3,726 in 1890 to 220,946 in 1910). Including this we have a group of eight regions, four in north and west Europe, four in south and east Europe, that in 1910 had yielded 96 per cent of our European-born population. Comparison of the statistics as to these gives results that are perspicuous.

The committee is familiar with the way the data are formulated in Laughlin's report—he gives the relative quota fulfillment of different groups for nine main classes of defects. Three of these classes—deafness, blindness, and deformity—are small, comprising together but 80 cases out of over 30,000 defectives of European birth, and in all these the European born show a lower proportion of defectives than do the native born. In order to make the results still more perspicuous I omit these three unimportant classes—though in the class of "All defects together" they are included.

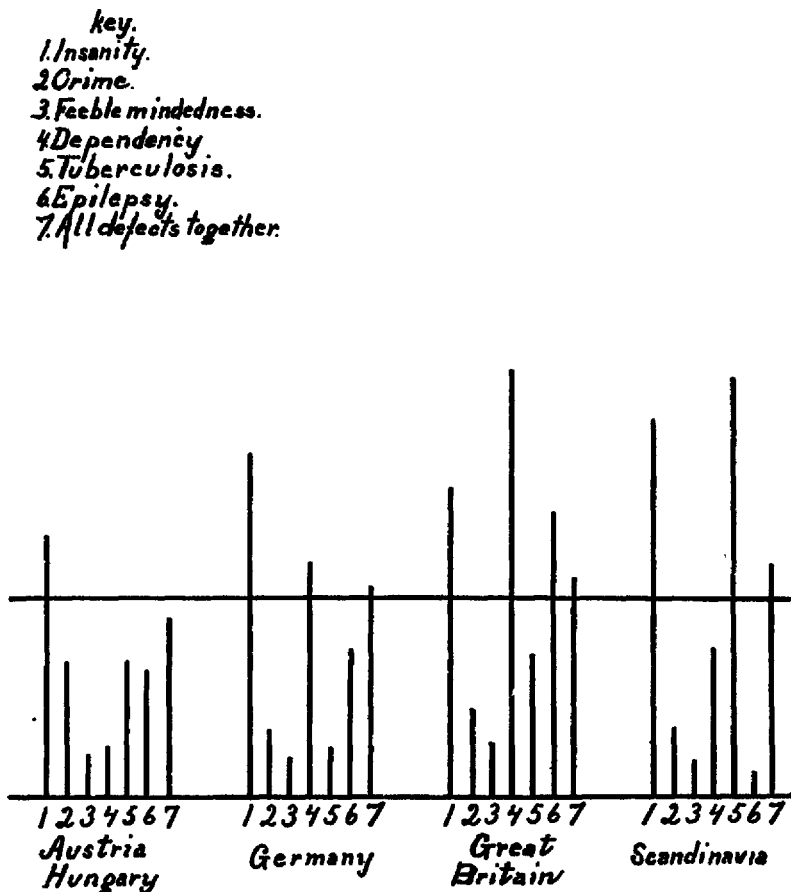
The comparative quota fulfillments from the eight major groups of European born, for the six different classes of defects, and for all classes of defectives together, are given in the following table (data from Laughlin's report):

TABLE 1.—Comparative quota fulfillments of the major racial groups in American custodial institutions (percentages).

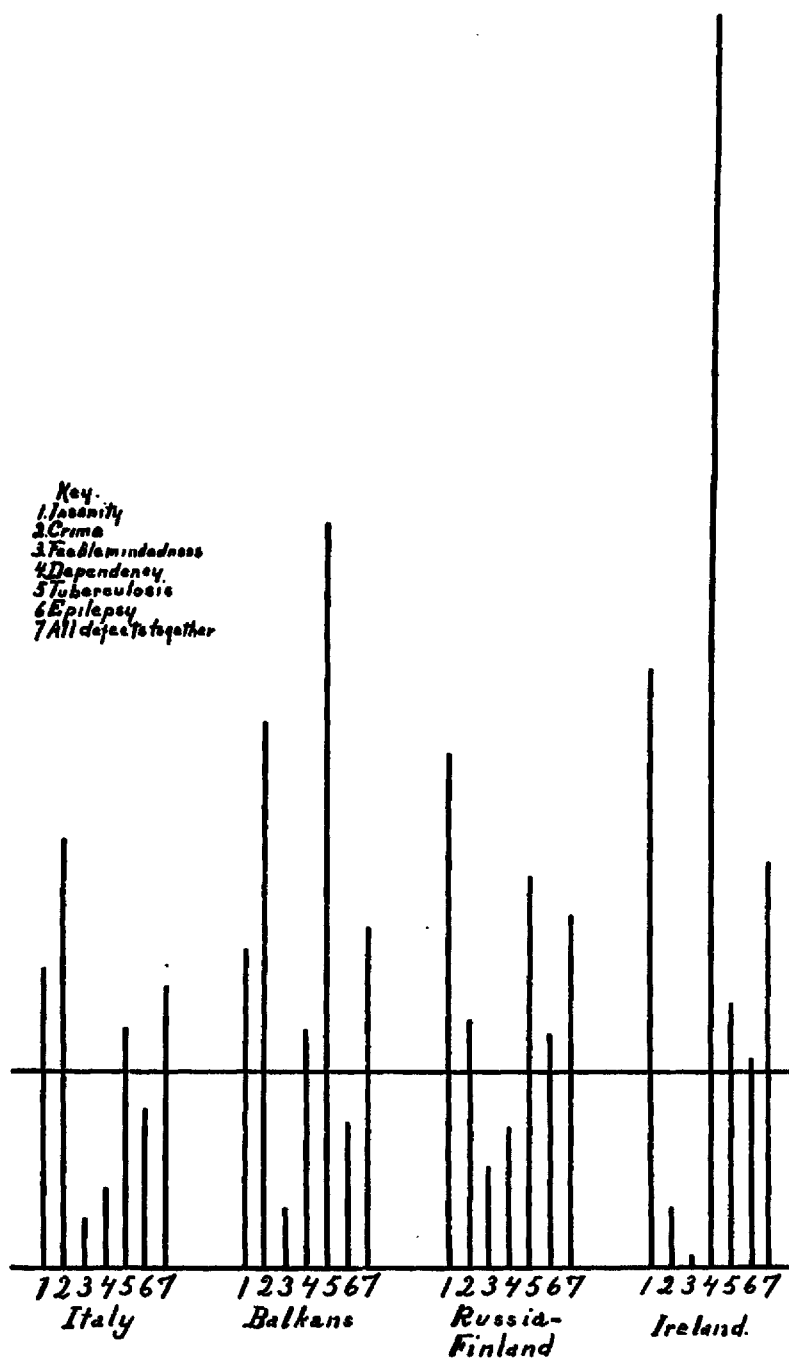
	Insanity.	Crime.	Feeble-mindedness.	Dependency.	Tuberculosis.	Epilepsy.	All defects together.
Great Britain.....	157	44	27	218	72	146	113
Ireland.....	305	31	8	634	136	108	209
Germany.....	175	35	20	120	25	76	107
Scandinavia.....	193	35	20	76	214	14	119
Italy.....	158	218	25	40	124	82	145
Russia and Finland.....	266	120	51	72	200	117	184
Austria-Hungary.....	134	68	21	25	71	65	92
Balkans.....	163	278	25	121	379	75	175
All north and west Europe.....	198	38	19	234	94	80	130
All south and east Europe.....	189	141	33	50	14	89	143

These same relations are shown graphically in the chart, in which, however, the sources of immigration are arranged in order of increasing total defectiveness.

CHART SHOWING GRAPHICALLY THE RELATIVE PROPORTIONS OF DEFECTIVES OF DIFFERENT CLASSES (QUOTA FULFILLMENTS) IN THE EIGHT MAJOR GROUPS OF THE EUROPEAN BORN. (FROM LAUGHLIN'S DATA.) THE DIFFERENT GROUPS ARE ARRANGED IN ORDER OF INCREASING DEFECTIVENESS.



Key.  
 1 Insanity  
 2 Crime  
 3 Feeble-mindedness  
 4 Dependency  
 5 Tuberculosis  
 6 Epilepsy  
 7 All defects together



As the table and chart show, the smallest proportion of defectives from these eight main groups comes from Austria-Hungary (92 per cent), followed by Germany (107) and Great Britain (113). Then follow in order with larger and large proportions of defectives—Scandinavia (119), Italy (145), the Balkans (175), Russia-Finland (184), with Ireland last showing the largest proportion of all, a quota fulfillment of 209 per cent.

I have summarized in the following Table 2 the regions giving the largest proportions of defectives in each class of defect, together with the second and third in rank.

TABLE 2.

Groups of the foreign born who, in proportion to their share in the total population of the United States, contribute the largest number of inmates to custodial institutions, as indicated by the Laughlin survey. Classified by types of disability (with the numbers of European-born defectives in each group).

<b>Insanity (21,404):</b>		<b>All defects together—Continued.</b>	
1. Ireland	3,782	2. Russia-Finland	5,071
2. Russia-Finland	4,212	3. Balkans	736
3. Scandinavia	2,203	<b>Dependency (2,320):</b>	
<b>Crime (4,622):</b>		1. Ireland	1,077
1. Balkans	286	2. Great Britain	383
2. Italy	1,373	3. Balkans	34
3. Russia-Finland	1,021	<b>Tuberculosis (992):</b>	
<b>Feeble-mindedness (585):</b>		1. Balkans	59
1. Russia-Finland	161	2. Scandinavia	188
2. Great Britain	62	3. Russia-Finland	244
3. Tie between Italy and Balkans	64	<b>Epilepsy (745):</b>	
<b>All defects together (30,748):</b>		1. Great Britain	131
1. Ireland	5,312	2. Russia-Finland	150
		3. Ireland	108

In considering these, again the actual number involved are practically very important. I have therefore added to each rubric the total number of European born of that class; and for each country the number which it contributes.

The largest class is that of the insane, with 21,404 European born; here Ireland is first in proportional numbers: Russia, though second, is largest in actual numbers. In the second largest class, crime, with 4,622 European born, the Balkans come first, Italy second, Russia third. In the third largest (so far as European born are concerned), dependency, with 2,320. Ireland is again far first, with a quota fulfillment more than six times her allowance. The other figures speak for themselves.

The north and west division of Europe thus has the larger proportion of defectives in the largest class—insanity; and in dependency; these are the two in which Ireland is first. The southeast has the larger proportion in the other four. For all defects together a larger proportion comes from the south and east (143 per cent to 130 per cent). The country with the largest proportion of defectives (Ireland, with 209 per cent), is from the northwest; that with the smallest proportion (Austria-Hungary, with 92 per cent) is from the southeast. The division into northwest and southeast with relation to comparative defectiveness is therefore not a sharp one.

## 2. Effect of a change from the 1910 basis to the 1890 basis.

On page 734 of his report of Laughlin gives grounds for referring the conditions just outlined to the proportions of different national groups in the population prevailing at the time of the census of 1910; and his tables and analysis are based on those proportions. The assumption underlying this, I take it, is that a European-born population remaining continuously in the numbers and proportions prevailing in 1910 would continue to yield about the same numbers of defectives found in his survey, carried out in 1921. There is, of course, large opportunity for error on this point, and this fact must be kept in mind in evaluating any conclusions drawn from the data. Yet this 1910 basis seems the best justified of any that can be taken (compare the table near the top of 754 in Laughlin's report); and if conclusions of any sort are to be deduced from the data, they should be reached by sound systematic treatment, not by general impression. A negative conclusion on certain important matters will be found justified in any case.

Accepting provisionally, therefore, the reference of these conditions to the situation prevailing in 1910, how would the numbers of European-born in the custodial institutions be altered if the European-born population were constituted according to the proportions found in 1890, in place of those found in 1910? This is the situation toward which tends the proposed change in the basis of admission.

Laughlin's data make it possible to compute the answer to this question on the assumption just set forth. The comparison must be made on the basis of an equal number of European-born persons in the two cases; only so can the relative defectiveness of the two types of population be evaluated.

A cursory view shows that in 1890 the proportional numbers of persons living in the United States who were born in Germany, Ireland, and Great Britain were much greater than in 1910, while the proportional numbers from Italy, Russia, Austria-Hungary, and the Balkans were much less. Consideration of these facts in connection with the data for quota fulfillment shown in our first table lead one to anticipate that the change to the proportions prevailing in 1890 will be found to increase the numbers of insane and dependents and decrease the criminals; the effect on the other classes and on the totals is not at once obvious.

Proceeding to a more critical examination, computations to determine how far such changes and other changes brought about would be based, for the utmost formal exactitude, on the smallest subdivisions of the European population for which data as to quota fulfillment are available. But the outlines of the picture will not differ appreciably if we employ the larger groups, and it is only a general picture that we can in any case get from such a computation. I have therefore based the computation on the proportions of the eight major groups hitherto dealt with, but including also the relatively small numbers contributed from the remaining parts of Europe.

The relevant figures for these major groups are the following:

TABLE 3.—*Numbers of European-born inhabitants of the United States in 1890 and in 1910 for the major groups.*

	1890	1910
Total born in Europe.....	8,020,608	11,791,841
Great Britain.....	1,251,402	1,221,293
Ireland.....	1,871,500	1,352,261
Germany (including 29,886 Polish).....	2,814,780	2,501,333
Scandinavia.....	933,239	1,250,733
Italy.....	182,580	1,345,125
Russia-Finland (including 65,773 Polish).....	245,417	1,732,462
Austria-Hungary (including 51,781 Polish).....	473,699	1,670,582
Balkan Peninsula.....	3,726	220,948
Rest of Europe.....	241,256	499,124

The method of computation may be indicated as follows: Let  $x$  be the total number of European born with which we are dealing; this number is to be the same on both bases. Illustrating now with the case of Ireland—In 1910 Ireland contributed 11.5 per cent of the European born in the United States; in 1890 it contributed 23 per cent. For the purposes of comparison, therefore, Ireland contributes on the 1910 basis, 11.5 per cent of  $x$ ; on the 1890 basis, 23.5 per cent of  $x$ . That is, on the 1890 basis the number contributed by Ireland is twice as great (actually 2.03 times as great). The number of defectives of each class contributed by Ireland will, therefore, other conditions remaining the same, be twice as great on the 1890 basis as on the 1910 basis. On the other hand, the proportion contributed by Italy is found to be almost exactly one-fifth as great on the 1890 basis as on the 1910 basis; therefore on the former basis Italy will contribute one-fifth as many defectives of each class as it does on the 1910 basis. Thus, if the total European-born defectives on the 1910 basis be designated  $y$ , Ireland contributes on the 1910 basis .115 $y$ ; on the 1890 basis, .230 $y$ ; and so of the other groups. Summing up the totals contributed by all the groups on the 1890 basis we discover whether this amounts to more or less than 100 per cent of  $y$ ; if more, the number of defectives is increased by the change to the 1890 basis; if less, it is increased.

Carrying out these computations for all the groups of Table 3 (for the "Rest of Europe" the computations were carried out separately for the different nations, but only the aggregate result given) we find the results to be those shown in the next table (4). This table is so arranged as to show for each 1,000 defectives (of any class) that would be present on the 1910 basis, the number that would be present in a population of the same size constituted on the 1890 basis; also to show the percentage increase or decrease resulting from the change to the 1890 basis.

TABLE 4.—*Effect of change from the 1910 basis to the 1890 basis, other things being equal.*

[Computed from Laughlin's data and from the Census Reports of 1890 and 1910.]

	For each 1,000 European-born defectives of any class in a European-born population constituted as in 1910, the numbers of European-born defectives of that class in a population of the same size constituted as in 1890 would be—		
	1890 basis.	Increase, per cent.	Decrease, per cent.
Insane.....	1,057	5.7	
Criminals.....	576		42.4
Feeble-minded.....	791		20.9
Dependent.....	1,571	57.1	
Tuberculous.....	304		19.6
Epileptic.....	1,030	3.0	
All together.....	1,009	9	

As the table shows, on the assumptions made the change in the European-born population from the 1910 proportions to the 1890 proportions would, other conditions remaining the same, increase the number of insane by 5.7 per cent, the dependent by 57.1 per cent, and the epileptic by 3 per cent. On the other hand, it would decrease the number of criminals by 42.4 per cent, the feeble-minded by 20.9 per cent, and the tuberculous by 19.6 per cent. Owing to the different actual numbers in these different classes of defects, as shown in table 2, these increases and decreases offset each other almost exactly, so that the total for all classes of defectives together remains practically unchanged; the computation yields an increase of nine-tenths of 1 per cent.

Thus on a literal acceptance of Laughlin's data as growing out of the conditions existing in 1910 the change to the 1890 basis would not by itself tend to reduce the number of European-born defectives in the governmental institutions, though it would tend to change the relative numbers in the different classes of defectives in the way shown in table 4.

These positive results, however, can not be held established, owing to the uncertainty previously emphasized, as to whether the conditions found in Laughlin's survey can properly be considered the outgrowth of the conditions prevailing in 1910. The importance of the results does not lie in that direction, but in showing that on the most careful analysis the results of Laughlin's survey lend no support to the assumption that a change in the basis of admission of immigrants from that of 1910 to that of 1890 would of itself tend to decrease the number of European-born defectives entering the United States.

A basis of admission could be devised that would have this effect, but it would have to be based in some way upon the actual results yielded by the Laughlin survey so as not to increase the allowed quota for the major group showing the largest proportion of defectives.<sup>1</sup>

<sup>1</sup> It is, of course, essential not to confuse the results of the comparison made above with those of a comparison between the results of admitting a fixed percentage, in the one case of the numbers present in 1910, in the other case of those present in 1890. Since the number of European-born present in 1890 was 32 per cent less than in 1910, such a change to the 1890 basis would reduce the actual numbers by 32 per cent, and consequently would tend to reduce the numbers of defectives. The same result would be achieved by reducing the percentage admitted without change of basis. It would have nothing to do with the relative defectiveness of the two types of European-born population; for light on this, equal numbers of the two types must be compared, as is done above.



**STATEMENT OF A. S. JOHNSON, NEW YORK CITY.**

Doctor JOHNSON. I am director of the New School for Social Research, and an editor of the New Republic.

The CHAIRMAN. How long have you been the editor?

Doctor JOHNSON. About eight years.

The CHAIRMAN. Are you the editor in chief?

Doctor JOHNSON. No, I am not. We have a board of editors. I see no particular reason why I should weary this committee. I came here to make a plea for continuing the basis of 1910 instead of going back to 1890 on grounds relating to the feeling of the different groups of our present society. I am one at least of your witnesses who accepts the quota principle and I accept the quota principle for the reason that it is the best means for the restriction of immigration, believing as I do that the time has come when the United States is no longer a country which can be developed or should be developed by immigration. As an economist it is impossible for me to accept the view that the United States is capable of taking an indefinite population. If we were to go back to the 1917 basis we should within 50 years have 200,000,000 of population. It does not seem possible that we can increase in 50 years at that rate without serious reduction of our standard of life. It is stated that all the population of Germany and France could be put in the State of Texas without being any more crowded for ground than they are in Europe; but they certainly would be ten times as miserable.

It seems to me that our present natural increase gives our country as much to take care of as they can take care of. The million and odd men and women who are going into employment every year are sufficient for our industries. It is not necessary for us to have any more immigration and were it not for the family ties of the people in this country with people in other countries I should hold it desirable to cut off immigration altogether, except for the immigration of persons of special ability.

But we are a big enough country to take care of a few hundred thousand each year. Now the question is, Is it necessary for our Government, in order virtually to cut off immigration to cut it off on a basis that does seem invidious to every foreign group I know of? I should say that there would be no objection to going back to the 1890 basis if we were assured we would get a better grade of population, or even a more assimilable one. As a matter of fact even with a few hundred thousand I do not think it would be so much more difficult to assimilate it. I think the old stock assimilated chiefly because there was not so much talk about it.

The CHAIRMAN. Well, it was a new country.

Doctor JOHNSON. Yes, and the whole country was in a situation to establish foreign colonies for generations. Like the Pennsylvania Dutch. The newer population settles in the cities where it is hard to keep the children from despising their seniors. The new generation assimilates more rapidly nowadays, so unless there were reason for believing that the newer immigration is inferior to the old, it is difficult for me to see why we should put a stamp of inferiority upon them, an official stamp of inferiority. That certainly does make a difference in the assimilability of the young.

The CHAIRMAN. Will you let me make a little statement right there? If you should see the history of the attempt to get this bill as a substitute for the present quota law you would see the present chairman is in favor of restricting immigration as near as possible and be as liberal as possible in the admission of fireside relatives of those that are now here. The bill that was recommended by this committee and went to Congress during the last Congress was no recommendation whatever of the people that might come. We soon discovered that we could not pass such a bill on account of the fear that exists—this apprehension—and immediately we were asked by everybody, "What is the number that will come?" and we had no number. It was impossible to find the statistics from which we might make an estimate.

Mr. RAKER. Still, would it not be possible to calculate the number—average number of relatives a human being could have?

The CHAIRMAN. Yes. I undertook to do that and I sent for some statisticians from the Labor Department and asked them, told them why I wanted it, and I was surprised myself, when they began to figure cousins and relatives to an enormous degree. They took the Secretary of Labor himself, who, I believe was born in Wales, and estimated that under the provisions of that law he might bring in hundreds of relatives. So, there was nothing to that. He is out of touch with the relatives he was reared up with.

The objection to this bill is that it is a discriminatory bill. The bill that we sent out last spring, as we undertook to explain it, was it opening to the newer countries a channel to bring in the broken ties and sort of close up the older channels?

Doctor JOHNSON. The general impression is that it is discriminatory. Most of us who belong to the older stocks like to have it discriminatory for the time being. About everybody is agreed that it is discriminatory. And as it seems to me this bill is to be the beginnings of the permanent population policy of the country. You are no longer getting up a bill which will tide us over an emergency for three or four years.

Mr. RAKER. The law does not discriminate against any nationality according to the population of that nationality that was in the United States in 1910, does it? It treats them all alike, does it not? Is that not a fact?

Doctor JOHNSON. The 1910 basis, I think, does not in effect discriminate against any nationality.

Mr. RAKER. Does it discriminate against any?

Doctor JOHNSON. According to my notion the 1910 basis is not discriminatory. It would become discriminatory in time.

Mr. RAKER. Let us hang on to that. Then the 1890 basis does not discriminate against any according to the number of that nationality that were in the United States, at all, does it?

Doctor JOHNSON. No, sir.

Mr. RAKER. Those nations that have not been sending any immigrants here for the last 20 or 25 years, those that have been sending a large number, and even up to the very last that exhaust their quotas the first month—they are given the opportunity for those that are here to go later and get their certain relatives, are they not?

Doctor JOHNSON. Yes, sir.

Mr. RAKER. Does that not treat them both fair and square?

Doctor JOHNSON. No, I can't say that it does.

Mr. RAKER. It gives those that came within the last 20 years an opportunity to unite their families.

Doctor JOHNSON. So far, good.

Mr. RAKER. There are none of the others, except a few, who have families in the old country, are there? They have not been coming for the last 25 years.

Doctor JOHNSON. Yes, that is true.

Mr. RAKER. So they have an advantage have they not?

Doctor JOHNSON. They have an advantage as to slight numbers.

Mr. RAKER. So you can not simply make it absolutely down to a hair on every particular nationality, but we fix a basis according to the population. No one should complain according to the nationality if the Government should take that view, should they?

Doctor JOHNSON. No. Emigration from any country is a passing phase. First we drop off the people from the British Isles, then we drop off the Scandinavians—the nations that are nearest to us. As the older agricultural system went over to the newer economic order, a great many of country population came over here. This economic change which brings in here immigrants of good quality has taken place rather late in Eastern Europe. Now we propose to assume that those nations that have gone through that phase of immigration in 1890 would perpetually be in that phase, do we not? My own parents were immigrants from Denmark. They left Denmark at the time when it was a poverty-stricken country, politically upset. In the next 20 years there was considerable immigration from Denmark. Now there is none.

Mr. RAKER. Well, under this bill there would be practically none to come from Denmark except relatives?

Doctor JOHNSON. No, sir.

Mr. RAKER. Take down in southeastern Europe, that have just come within the last 20 years—we permit many to come from that section, is that not true?

Doctor JOHNSON. Yes, sir; that is true.

Mr. RAKER. Why then do you forget that feature when we have tried to fix it right to all?

Doctor JOHNSON. If the committee has any figures to show that about the same proportion of immigrants will come from all countries, the argument of discrimination would be taken away.

Mr. RAKER. Why do you call it discrimination at all? Do you not figure anything at all from the number that have come to the United States, even since the United States were colonies?

Doctor JOHNSON. No.

Mr. RAKER. Do you think that we ought to forget the form and character of our institutions entirely?

Doctor JOHNSON. No, not at all.

Mr. RAKER. You do not think that we ought to forget entirely the social relation growing out of that and the idea conveyed by framing our Constitution and laws, do you?

Doctor JOHNSON. No, sir.

Mr. RAKER. Then why do you say it will affect the racial situation if we now fix a basis, although it might bring more from one

country than from another, for the purpose of limiting the per cent of immigration?

Doctor JOHNSON. I should say, if 3 per cent, taking both provisions into account, can get in from all the different countries then there is no discrimination. But I should say that there is a discrimination if there is an increased difficulty—a relatively increased difficulty—for any race. Now, as a matter of fact, the relatives are not going to make up the difference between 4,000 and 40,000 for the Italians, are they?

Mr. RAKER. Yes.

Doctor JOHNSON. Do you think they are?

Mr. RAKER. Yes.

The CHAIRMAN. We think they will.

Doctor JOHNSON. Even under the 1890 quota provision for relatives?

Mr. RAKER. Take the record now, the number of men that send and get their wives and children.

The CHAIRMAN. You see it is inevitable, if we should go along with the 3 per cent quota, that in the first comings only those of the able-bodied men should get in, and the longer that holds the longer they will be deprived of their families. You take along at the end of this year, the number who stay here from last year want their families, and the number who stay here this year will want their families.

Mr. RAKER. Is it not true that if there are not a great many people from any country that are not now naturalized, that have not even assumed the language of America, that we ought, irrespective of the high character of the race which we admit, to limit the immigration from that country until those that are here are assimilated in language, in speech, and in ideas? Is that not your honest view?

Doctor JOHNSON. My honest view is that if we have a very large mass that refuses to assimilate, if we have very large masses of any nationality that refuse to assimilate—

Mr. RAKER. We have them.

Mr. SABATH. Let us say who they are, and let us exclude them.

Mr. RAKER. Mr. Vaile read an article here to-day which is only evidence of what occurs.

Mr. SABATH. Oh, you read a lot of articles that are only newspaper talk.

Doctor JOHNSON. I should first try to find out how extensive that situation was. I am not myself disposed to believe that you would find very enormous proportions of any nationality refusing to assimilate.

Mr. RAKER. Is or is it not a fact that there are large settlements en masse of people in the United States that are not speaking, reading, or working in the English language and that are not naturalized?

Doctor JOHNSON. Yes; I think it is, and if you base your quota as was suggested to-day partly upon naturalization and partly upon the numbers that are in the country now, I think that everyone would agree that—

Mr. RAKER. All right, then; let us see. Would you be in favor of basing the quota upon the nationalities that were naturalized up to the year 1921?

Doctor JOHNSON. Yes, sir.

Mr. RAKER. To fix the quota?

Doctor JOHNSON. Yes, sir.

Mr. RAKER. That would be perfectly satisfactory to you?

Doctor JOHNSON. Yes, sir.

Mr. RAKER. You feel that would not be discriminatory?

Doctor JOHNSON. No, sir.

Mr. RAKER. It would be in entire justice to all the different races?

Doctor JOHNSON. Yes.

Mr. RAKER. Do you not know that the nationalities thus selected—that the process is more discriminative according to you than that fixed by the law of 1890? I do not want you to go away with any misunderstanding, but is that not a fact?

Doctor JOHNSON. Discriminatory in what sense?

Mr. RAKER. There would be fewer Italians coming in under that method than there would be under the act of 1910!

Doctor JOHNSON. I should not regard that as a discrimination.

Mr. SABATH. Will you pardon me. A member of this committee or Mr. Raker stated that none could now come from Denmark.

Mr. RAKER. No, sir.

Mr. SABATH. I want to say I have a report here showing that the annual quota from Denmark is 5,619.

The CHAIRMAN. Is there anything further, Doctor Johnson?

Doctor JOHNSON. No, sir.

The CHAIRMAN. That is a very interesting statement. I am very much obliged to you for it.

#### STATEMENT OF MR. JOHN L. BERNSTEIN, NEW YORK CITY.

The CHAIRMAN. You are the president of what organization?

Mr. BERNSTEIN. H. I. A. S.

The CHAIRMAN. Which means what?

Mr. BERNSTEIN. Which means Hebrew Immigrant Aid Society, the same as A. R. A. means American Relief Administration.

The CHAIRMAN. What is the number of the membership of that organization?

Mr. BERNSTEIN. About 150,000.

The CHAIRMAN. Do you still have quarters in the place where we visited you a few years ago?

Mr. BERNSTEIN. I do not remember where it was then, but our quarters now are in the building that used to be the Astor Library of New York.

The CHAIRMAN. Have you a large number of employees there?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. About how many?

Mr. BERNSTEIN. About 75.

The CHAIRMAN. What work are they engaged in?

Mr. BERNSTEIN. They are engaged in the work of sheltering and feeding immigrants and wayfarers, keeping the building clean, giving advice and information to immigrants who come here, giving advice to immigrants who are here with regard to their chances of bringing their relatives here.

The CHAIRMAN. Are you engaged also in keeping your card index of immigrants?

Mr. BERNSTEIN. We keep a card index of all immigrants who come to our house, which, of course, is necessarily a small percentage of the whole immigration.

The CHAIRMAN. Do you register all immigrants that go your way?

Mr. BERNSTEIN. Those who come in, their names and addresses, are put on a card, with the date of arrival, the date when they leave our place; that is, for a home of their own, or a boarding house, and the address to which they are leaving.

The CHAIRMAN. Do you carry on any preliminary steps for assisting them in taking out naturalization papers?

Mr. BERNSTEIN. Yes, sir; we do also what is called the first aid to English, which does not mean any schooling in English, but to acquaint them with the first words in English. We also have several lectures a month on American subjects.

The CHAIRMAN. Do you do any steamship business?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Do you buy any steamship tickets?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Either in your own name or the name of any others?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Either here or abroad?

Mr. BERNSTEIN. We do not buy anything.

The CHAIRMAN. Do you get any commission on steamship tickets?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Is any commission paid to you?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Or to Mr. Chapiro in Paris?

Mr. BERNSTEIN. No, sir. He is not in our employ. I don't know where he is.

The CHAIRMAN. You finally discharged him?

Mr. BERNSTEIN. Not finally, but he was discharged.

The CHAIRMAN. We had him up here before, did we not?

Mr. BERNSTEIN. Yes, sir. Some witnesses testified some things about Mr. Chapiro.

The CHAIRMAN. Did it turn out that he was taking commissions for immigrations?

Mr. BERNSTEIN. We made an investigation of that in Paris, but the report of the investigators was that it was not true.

Mr. RAKER. But still you discharged him?

Mr. BERNSTEIN. We discharged him because there was a suspicion attached to him, and we could not afford to have any employee to whose name suspicion was attached.

Mr. RAKER. But if you have a man working for you and somebody makes charges against him and you find out that they are untrue, is he not the very fellow you can afford to hold on to?

Mr. BERNSTEIN. No; we can not afford to hold on to him. When I say that we found the charges untrue I mean we found no evidence of them. The charges are of this nature that one man alleged it and the other man denied it, and you try to get information if you can, and naturally it has to go with the old Scotch verdict, "not proved."

Mr. RAKER. It seems to me that if there is any one thing in life that ought to be fixed—that is, if a man is charged with doing wrong and he is investigated and found to be all right he should be the very man that you should keep.

Mr. BERNSTEIN. No, sir. It is not so with public institutions. They should be like Caesar's wife—above suspicion.

The CHAIRMAN. Have you a congress of Jewish people?

Mr. BERNSTEIN. We have not.

The CHAIRMAN. Is there not such a congress?

Mr. BERNSTEIN. There is an organization in New York known as the American Jewish Congress, of which Doctor Wise, who was here yesterday, is president. I am a member of that, but Hias has nothing to do with it.

The CHAIRMAN. Is it affiliated with you at all?

Mr. BERNSTEIN. No sir.

The CHAIRMAN. Do you know Mr. Fishman very well?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. Does he get along with the Congress?

Mr. BERNSTEIN. He is here.

The CHAIRMAN. Do you do a banking business up there in New York?

Mr. BERNSTEIN. We do what is known as a remitting business, through a regularly organized bank since April 16, 1923.

The CHAIRMAN. Do you have a charter?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. From the State of New York?

Mr. BERNSTEIN. Yes, sir; the banking department.

The CHAIRMAN. Was that the one that was described here yesterday morning?

Mr. BERNSTEIN. That is the one organized in order to do away with the evils described by Justice Cotillo. We have a bank charter by the State of New York. It is a regular bank.

The CHAIRMAN. Do you receive deposits?

Mr. BERNSTEIN. No, sir. We have a right to, but we do not.

The CHAIRMAN. Do you take any money there for the purchase of steamship tickets?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. What is the purpose of the bank?

Mr. BERNSTEIN. The situation is this: Mr. Cotillo this morning described to you the work that was done among immigrants in the way of exploitation of them. The work of H. I. A. S. is to protect immigrations till the States or the United States pass laws to protect the immigrant. H. I. A. S. is about 40 years old. It is a combination of two institutions. One was the Hebrew Sheltering Society and the other the Hebrew Immigrant Aid Society to prevent exploitation of immigrants. Exploitation consisted of two things: One was taking the immigrant from Ellis Island to his destination in the city of New York. Many times they took all that the immigrant had. H. I. A. S. takes the immigrant to the New York address, and if he is going to an address other than in New York H. I. A. S. takes him to the train and sees that he gets the proper train.

The CHAIRMAN. Cutting out the railroad runner?

Mr. BERNSTEIN. Yes, sir; the second aid is the hotel that he goes to. H. I. A. S. has a home with 185 beds where the immigrant who

is not going directly to a relative is sheltered without charge, either for food or lodging, either directly or indirectly.

The CHAIRMAN. How many have you assisted this last year, since June 30, in getting into the United States?

Mr. BERNSTEIN. We have never assisted a single person in our history—never paid out 5 cents in the way of paying a part or the whole transportation of any person.

The CHAIRMAN. How many have you assisted in perfecting their appeals to the department here?

Mr. BERNSTEIN. Practically every Jewish immigrant and those non-Jewish who apply to us and who are excluded by the port are aided by our bureau. We maintain a bureau in Washington with a lawyer at the head of it. Many of the appeals are taken even though we know that they have no merit in them, and we know the decision in advance, but we also know that if we do not take the appeal the relative of the immigrant will go to a lawyer who is going to mulct him out of from \$50 to \$500 for that appeal, which will be just as useless and just as fruitless as if taken by us. I presume that the gentlemen of this committee know that the work of taking an appeal is very simple, a very easy thing. It is a printed or typewritten blank which says, "I hereby appeal from the decision of the special board of inquiry," and then it is a simple written or oral argument before the board of review here as to the merits of the case.

Many people go to a lawyer, who, as I say, charges \$50 to \$500 for this service. We consider the relative who has been here for several years—from two to five years—is just as much an immigrant entitled to protection from exploitation.

The CHAIRMAN. Do you charge that person any fee?

Mr. BERNSTEIN. Not at all. The purpose of our appealing has been explained to every Secretary of Labor, and every Assistant Secretary of Labor who has been in office since the board of appeals has been established.

The CHAIRMAN. You say the appeals are perfunctory?

Mr. BERNSTEIN. In many cases.

The CHAIRMAN. When you have got one that you think is serious, what do you do with that? Do you turn it over to a lawyer?

Mr. BERNSTEIN. Oh, no; we take all appeals and a large number of them are meritorious and a number of them are not. When I say meritorious I mean when a man is rejected by the board of special inquiry because there is apprehension that he is going to become a public charge; we know certain cases by experience that we can not win, and the department understands why we take this appeal.

The CHAIRMAN. Do you have agents over in Poland, we will say, assisting them at that end, when they know that they are going to be public charges here?

Mr. BERNSTEIN. We have an agent in Poland whose business it is and who does it religiously, to dissuade people who are not eligible for admission here from starting on their journey, and we have succeeded in dissuading many prospective immigrants from going to the United States.

Mr. RAKER. Who is your attorney in New York?

Mr. BERNSTEIN. We have no attorney there.

Mr. RAKER. Who is your attorney here?



**Mr. BERNSTEIN.** Mr. Isidore Hirschfield.

**Mr. RAKER.** Didn't this gentleman here represent you for a while?

**Mr. BERNSTEIN.** Yes, sir; up to about a year ago. He was our attorney for about 12 or 14 years.

**The CHAIRMAN.** When you send him down here to your attorney, do you tip him off as to whether they are phoney or real cases?

**Mr. BERNSTEIN.** None of them are phoney cases.

**The CHAIRMAN.** Well, impossible cases, then?

**Mr. BERNSTEIN.** The attorney does not get any information from us. He gets the information from the minutes taken by the board of special inquiry.

**The CHAIRMAN.** He is, as a matter of fact, employed and is supposed to go to it for all of them?

**Mr. BERNSTEIN.** He appears before the board of review, who, as you gentlemen know, are supposed to be well versed in the law of immigration, and they are. They know their business; do not care who the person is that is to appear before them. They decide the case upon its merits.

**The CHAIRMAN.** Do not the relatives come from New York and find this attorney here?

**Mr. BERNSTEIN.** No, sir; except in very rare cases where the relative might live in Baltimore and run over here.

**The CHAIRMAN.** When you hire a lawyer you hire a New York lawyer, do you not?

**Mr. BERNSTEIN.** We do not have anything to do with hiring a New York lawyer. We do not handle any case that is handled by an attorney.

**The CHAIRMAN.** How many directors have you?

**Mr. BERNSTEIN.** About 30.

**The CHAIRMAN.** How many of them have been abroad this last year?

**Mr. BERNSTEIN.** For us only one.

**The CHAIRMAN.** Did you send one officially?

**Mr. BERNSTEIN.** He was there for about a year. There have been several of our directors abroad, but not for us.

**The CHAIRMAN.** Did you pay a salary to this one?

**Mr. BERNSTEIN.** Yes, sir.

**The CHAIRMAN.** What is his name?

**Mr. BERNSTEIN.** Held.

**The CHAIRMAN.** Was he over there for investigation?

**Mr. BERNSTEIN.** No; he was over there in charge of work in Europe.

**The CHAIRMAN.** Is there any dispute among those directors as to the type of Jewish immigrant coming to the United States now?

**Mr. BERNSTEIN.** Any dispute?

**The CHAIRMAN.** Any discussion as to the policy of the newer type of Jewish immigrant being assisted, as compared with the old type.

**Mr. BERNSTEIN.** Very little. We consider the Jewish immigration to the United States quite a desirable immigration. We come in contact with them so often that we know the class of people, and we know the stuff they are made of, and we consider that immigration desirable from an American standpoint.

But I wish to call this to your attention, Mr. Chairman and gentlemen, H. I. A. S. is not an immigration aid society. It is an immigrant aid society. We have nothing to do with the policy of immigration at all.

The CHAIRMAN. I know, but do you not send funds over to Poland, for instance, for the use of your agents?

Mr. BERNSTEIN. No, sir. We transmit money over there from relative to relative.

The CHAIRMAN. Do you send that money by draft?

Mr. BERNSTEIN. We send the American money. We have the unique distinction of sending the money in American money. We have never used any foreign money at all, and on one occasion the State Department used our dollar service to get funds over there. We have done that when no bank in the United States was undertaking such work.

The CHAIRMAN. You send immigrants money?

Mr. BERNSTEIN. Yes, sir. I want to make it clear that when a person pays in our office no charge is made and none is paid by the transmitter or transmittee. This work has been done by H. I. A. S. up to April 16, 1923. When a person transmits \$200 through us to his wife in Europe his wife receives \$200 in Europe. Since April 16, 1923, due to the fact that several so-called bankers have started to complain against our activity as interfering with their business, we have caused a bank to be organized—a bank in the sense only of a remittance bureau—which is under the supervision of the State banking department, having the minimum capital required by the laws of the State of New York, to wit, \$150,000.

The CHAIRMAN. So you not only assist immigrants but you make remittances to relatives of immigrants?

Mr. BERNSTEIN. Yes. At least half of those remittances—at least half of the amount of such remittances are amounts of less than \$25, which clearly indicates that they are not for immigration purposes, but for relief purposes. You could not immigrate here for \$25.

The CHAIRMAN. How much have you transmitted for immigration purposes for any one year?

Mr. BERNSTEIN. Since March, 1920, up to January 1, 1924, approximately the whole amount of remittances—I did not know I was going to speak to you, so I will have to send you a statement—it was approximately at the rate of \$3,000,000 a year.

The CHAIRMAN. That is for immigrants?

Mr. BERNSTEIN. That is for all purposes. I will say to you that for the year 1922—and I do not want to be bound by figures, for you will get them by mail—the amount of the remittances was something like \$3,400,000 and the number of remitters was in excess of 25,000; so you can see the amount of each remittance.

The CHAIRMAN. Do these persons who remit through you fall out once in a while and say the money has been misused?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Has there been any charge of that nature?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. On the other side?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Has there been any charge of misappropriating funds?

Mr. BERNSTEIN. No, sir; not to anybody that I know of. I would like to know where that came from.

The CHAIRMAN. Well, it got out like the Chapiro matter.

Mr. BERNSTEIN. Is your committee interested in the Chapiro matter?

The CHAIRMAN. Well, we had it up here at one time and got nowhere. The record looks like an awful assault being made upon Chapiro, and we can not ask about these things unless we ask about the assault.

Mr. BERNSTEIN. You can ask about anybody.

The CHAIRMAN. Do you know Rabbi Brown?

Mr. BERNSTEIN. Since you asked me about that privately a while ago, I have asked and found out that Rabbi Brown is an old gentleman about 70 or 75 years old, and reputed to be a crank. I have never seen him. He is an old man, I understand, who is reputed to believe that the world is not right.

Mr. DICKSTEIN. He comes under the doctor, then, as an insane man?

Mr. BERNSTEIN. I do not know; I have never seen him.

Mr. DICKSTEIN. Investigation has been made by your organization, as well as others, of instances of where people transmitted a hundred dollars, and where that money was sent to Poland or Russia it was paid to the transmitttee in marks; is that not true?

Mr. BERNSTEIN. Yes, sir. When they went to a banker to remit money the banker told them to remit marks, and they would give them a receipt and say they would transmit so many thousand Polish or German marks.

Mr. DICKSTEIN. By the time the money got there the marks would have declined to almost nothing.

Mr. BERNSTEIN. In one case, at least, the person remitted \$60 and collected only \$4 back from the bank. The money had not gotten to the relatives and the mark had declined so much he only got \$4 back.

Mr. DICKSTEIN. As a result of that, you organized this system?

Mr. BERNSTEIN. Yes, sir.

Mr. DICKSTEIN. You say you represent at Ellis Island every Jewish immigrant who comes there. You try to assist him?

Mr. BERNSTEIN. Yes, sir.

Mr. DICKSTEIN. You take an appeal?

Mr. BERNSTEIN. Yes, sir.

Mr. DICKSTEIN. There are other organizations representing the English and other nationalities, are there not?

Mr. BERNSTEIN. There are 65 societies at Ellis Island who have an organization as well as ourselves and who have a general immigrant aid committee and who appear there by 15 agents.

Mr. DICKSTEIN. Are you one of them?

Mr. BERNSTEIN. Yes, sir.

Mr. DICKSTEIN. Do you have any subagents?

Mr. BERNSTEIN. We have no subagents. We have some employees there.

Mr. DICKSTEIN. Do you have a policeman there?

Mr. BERNSTEIN. We have a guide who takes the immigrants from the boat on this side of Ellis Island and aids them from the boat up to their home.

Mr. DICKSTEIN. Have you any busses?

Mr. BERNSTEIN. Yes, sir; we have one bus that holds about 30 or 40, and sometimes it makes three or four trips.

Mr. JOHNSON. You have a guide?

Mr. BERNSTEIN. Yes, sir.

Mr. JOHNSON. And they are permitted to go on the ship?

Mr. BERNSTEIN. They go on the dock.

Mr. JOHNSON. Do they not go in the ship at all?

Mr. BERNSTEIN. I do not know.

Mr. JOHNSON. Do you not know that they go into the ship and around among the steerage passengers and pick up packages, etc?

Mr. BERNSTEIN. I do not know of any such thing.

Mr. JOHNSON. If they have done such things you did not know it?

Mr. BERNSTEIN. No, sir.

Mr. JOHNSON. Are they men or women?

Mr. BERNSTEIN. Men and women.

Mr. JOHNSON. You did not say how many?

Mr. BERNSTEIN. I think in our present employ there are two—a young man and a young woman, who meet every steamship coming from Europe that is likely to bring passengers.

Mr. DICKSTEIN. Immigration rate is low now, is it not?

Mr. BERNSTEIN. Yes, sir; and in a busy time we might have a third one.

Mr. DICKSTEIN. Have the other societies agents there?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. Has that not been a matter of friction for a number of years?

Mr. BERNSTEIN. We have at all times been on good terms with them, because they are in sympathy with our work.

The CHAIRMAN. Did you have any trouble with Commissioner Todd?

Mr. BERNSTEIN. No, sir; at first he issued an order shearing all immigrant societies of their power, but when he found out what they were doing he put them back to where they were before.

Mr. DICKSTEIN. You say you are organized under the State of New York as a state banking institution?

Mr. BERNSTEIN. Yes, sir.

Mr. DICKSTEIN. That puts you under the complete control of the State banking department, does it not?

Mr. BERNSTEIN. Yes, sir; and we are being examined periodically like any other bank. I want to call the attention of your committee to the fact that this immigrant work that we are doing abroad is the same work that is being done by the Y. M. C. A. and the Y. W. C. A. for Christian men and women; it has been done by the American Relief Association in certain ports; it has been done by the Knights of Columbus on the other side. This work was necessitated by post-war conditions in Europe. Can you imagine when a man sends \$200 to his wife and she receives \$20 what happens to her at a port where she knows nobody? That is why there are so many philanthropic organizations. The Salvation Army does such work on the other side for certain people.

**MR. RAKER.** With all these organizations working here and abroad, 60 or more, and with a committee of 15, there is not very much chance for an immigrant to be turned back, is there?

**MR. BERNSTEIN.** Very much so. They are protecting him from his friends who are willing to separate him from his money. Baptists, Methodists, Catholics, Protestants are all represented on that committee, because it has been established beyond any doubt that the immigrant, before he sees the light of day or the port except at Ellis Island, is beginning to be the prey of some scheming people always willing to help him. These organizations are the organizations that are protecting him, and they are doing it efficiently and honestly.

**MR. VINCENT.** How many employees have you got in your organization?

**MR. BERNSTEIN.** During the peak of immigration we had about 100 clerks, stenographers, etc. Just now we probably have about 40, and about July 1 our European work will be discontinued entirely.

**MR. RAKER.** How many will be in your organization altogether?

**MR. BERNSTEIN.** I do not know how many.

**THE CHAIRMAN.** You are about to discontinue your European employees?

**MR. BERNSTEIN.** Yes: all our European work.

**THE CHAIRMAN.** Regardless of whether there is a new quota July 1 next or not?

**MR. BERNSTEIN.** Yes: because a great deal of the trouble due to post-war conditions is being eliminated just now, and since that is settled a great deal of the dollar exchange is now better. The better banks will pay dollars now. They did not at that time. You could not get dollars on an American Express Co. check at that time. The United States Government officials abroad are better equipped to handle the thing. Remember since 1920 we have passed a visé law, but giving United States consuls an inadequate appropriation of money to help to comply with that law. It might be interesting for you to know, although it is not of record, that we have been the means or, rather, the agency to make more than 60 arrests in Poland and Rumania of agents of steamship companies—not agents of steamship companies, I want to correct myself, agents of transportation, I do not know whose agents they were—who were trying to sell tickets to immigrants with passports and visés.

**THE CHAIRMAN.** Do they not have some of these men with the H. I. A. S. on them?

**MR. BERNSTEIN.** You know this society. I would not have the temerity to come before you if anything like that was done. What would be the purpose?

**THE CHAIRMAN.** You assisted in the arrest of a large number of people who were using some spurious passport scheme?

**MR. BERNSTEIN.** Yes.

**THE CHAIRMAN.** Did these people ever use H. I. A. S. or pretend it was H. I. A. S.?

**MR. BERNSTEIN.** No, sir.

**THE CHAIRMAN.** Was there anything issued at any time that appeared to be something in lieu of passports?

**MR. BERNSTEIN.** No, sir.

The CHAIRMAN. That is, by the H. I. A. S.?

Mr. BERNSTEIN. No, sir; I remember what you said yesterday in regard to that, and I forgot to refer to it just now. The authorities of Warsaw in the year 1920 and part of 1921 would not allow any people except residents of Warsaw to stay there. You realize that Poland is a country of several States. You realize that there is only one American consul and he is at Warsaw. You realize that from all parts of Poland the intending immigrant must come to Warsaw to get his visé. If the consul was equipped to give him a visé within two days it would be a different thing, but the consul was not equipped, and people had to wait for visés for at least three months, as I have testified to before you before. You could not travel to New York for a visé and then back to Chicago and back to New York again. The city of Warsaw was overcrowded and would not permit any strangers there. At the request of the H. I. A. S., a card was permitted to be issued by the H. I. A. S. at that time, stating that these persons came on to Warsaw for the purpose of applying to the American consul for a visé, which gave them the right to stay there until they had the visé. Since then the consul has adopted that method. He issues a number with the date of the appearance of that applicant before the consul, and that that serves the same purpose. I presume that is what was told to you about the H. I. A. S. passport.

The CHAIRMAN. I was told here by one of the officials that they have turned up at the office of the Department of Labor with the imitation passports.

Mr. BERNSTEIN. I wish I could look at them.

The CHAIRMAN. They said they would show it to me. I have not had time as yet to see it.

Mr. BERNSTEIN. There is no such thing. Before you adjourn I will say a few more words, and then I will stop, unless you have questions on the H. I. A. S. What I am anxious to do is to dispel any suspicion against this organization that is doing excellent work.

The CHAIRMAN. I will tell you what I think. I think you have gone the limit to do all you could for your people.

Mr. BERNSTEIN. To protect them fully. We do not touch a man or woman until he or she is an immigrant.

The CHAIRMAN. So that we will have a clear understanding of it, when there was distress in the case of excess quotas in June and July, the plea was made, if these people could only be admitted, and the H. I. A. S. helped to make the appeal as well as others, the plea was made that subtractions could be made in the last quota of the year. The H. I. A. S. should have kept its bargain. As a matter of fact the H. I. A. S. could not keep the bargain, because lawyers went into court with habeas corpus proceedings on the ground that the quota could be opened, and they fixed the Department here so that it had to shut down on cases, regardless of humane features.

Mr. BERNSTEIN. I will agree that taking out habeas corpus by lawyers on that question has worked more harm to the immigrants, including the immigrants who are the especial solicitude of the H. I. A. S., than any other factor.

The CHAIRMAN. I do not know about it.

**Mr. BERNSTEIN.** The H. I. A. S. and its directors know what is good for them and had no part in any shape, way, or manner in the habeas corpus, and it would have been foolish to take part in any such thing. I want to say that the Department of Labor has acted from humane or humanitarian reasons in admitting a few extra cases.

**The CHAIRMAN.** It took them some time to learn the lesson, that whether they did or did not it was always used up.

**Mr. BERNSTEIN.** With regard to that bill I will say only a few words. You have noticed that the H. I. A. S. has never come here to oppose a bill to restrict immigration. Do not infer from that that I or my colleagues are in favor of restricted immigration. The H. I. A. S. is not interested in immigration. What we have pleaded with you from time to time, when we appeared here, was for the reunion of families, because we were interested in the immigrants, and it is for the welfare of immigrants that the wives, the children, the parents should be together. We have been very consistent on that. We have not objected to any bill, and when last year Mr. Vaile introduced a bill, practically shutting off immigration but made a provision for the admission of relatives, we were quite satisfied with it.

**Mr. BERNSTEIN.** With regard to this bill, the provision for wives and children of citizens is a great improvement. Everybody has agreed to that as very sound and proper. It seems to me that wives and children of noncitizens, I mean people who are less than two years here, should be in the nonquota class. The trouble with Mr. Vaile's bill, as the chairman mentioned several times, was that it could not get through the House. The trouble with it was, from the restriction standpoint, that it had too many collateral relatives, and that people were afraid that there would be too many immigrants, but the longer you keep the wife and children away from the immigrant who comes here the worse it is for the Americanization and assimilation of the wife and children of the immigrant. I am not pleading or suggesting that brothers and sisters, cousins, aunts should come, or anything like that, but it seems to me a man ought not to be made to wait three years for his wife and children, and I will tell you why.

The bill provides that a person who has been in the country for two years, and has at least a year prior thereto taken out his first papers, declaration of intention, may apply. Now, there will be a great many applications in Washington. These applications will undoubtedly take time to decide. There will be some investigations. Your bill provides that on the other side the consul can not possibly do anything until he gets word from here. By the time the women and children get here it will be three years. Is there any good reason even from the standpoint of the American Restriction League or any other restriction league why this man who has come here and shown his willingness to become a citizen by declaring his intention, why he should be made to wait? Why should you take his 6-year-old boy and make him wait until he is 9 years old before he comes here? At 6 years he will learn and imbibe the schooling of our institutions and know less of his own language, if you gentlemen of the committee think it is not good for Ameri-

canization for a person to know the language of the old country. Why make him wait? Why not make a clean sweep of the proposition and say that wives and children of any immigrant who has been legally admitted and who has declared his intention to become a citizen shall be a nonquota immigrant? What can you lose by it?

The CHAIRMAN. If we could get those who have brothers and sisters and other relatives to agree on that, and also include grandmothers and orphans, and no more, how would that do?

Mr. BERNSTEIN. Let them be in the relative quota. Remember that wives and children are the basis of our society. Why have him board? He would have to board with somebody. I know the life of the immigrant. If he gets here and has his wife and children, he lives a family life. If he is here alone, he lives with somebody else, and the environment is not what it should be, and you are simply doing something which is not good from the humanitarian or social standpoint.

The CHAIRMAN. In other words, you would not let him bring in as his relatives all this list we have been talking about before.

Mr. BERNSTEIN. No.

The CHAIRMAN. You would limit them to the wife and minor children under 18 years?

Mr. BERNSTEIN. Minor children should be 21. I have pleaded for that some time ago and here again. An 18-year-old boy or girl can not be left alone on the other side. In our American jurisprudence it has been assumed for generations that majority is at 21. At that time a man is of age.

Mr. RAKER. In California and many of the States a woman is of age when she is 18 for all purposes except voting.

Mr. BERNSTEIN. As I say, you would not want and I would not want a girl of 18 to remain on the other side when her parents are coming here. It seems to me that that change ought to be made for humanitarian and social reasons. There is a great deal to it. It will help to Americanize his wife and children and him. As to the rest of the bill, of course, I am in accord with the preceding argument, that the south and east Europeans will consider themselves actually insulted by making it 1890.

Mr. RAKER. You have made a very fair statement and we are sorry to have kept you so long, and the questions that we asked were for the purpose of clearing the air somewhat.

The CHAIRMAN. The committee will adjourn until to-morrow morning at 10.30 o'clock a. m., Saturday, January 5, 1924.

(Thereupon the committee, at 7.45 o'clock p. m., adjourned, to meet again at 10.30 o'clock a. m., Saturday, January 5, 1924.)

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#### COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES,

Saturday, January 5, 1924.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order.

In hearing Professor Jennings, it was suggested that he file a paper covering his analysis. If there is no objection, that will be in order.



The clerk will be instructed to write to him. There have been scheduled to speak here Mr. Alba Johnson, Stephen B. Dugan, of Columbia University, Commissioner Clark, of Montreal, and the commissioner in charge of Ellis Island, and we have a letter from the Commissioner General of Immigration that Mr. Clark will not be here until Monday. Mr. Johnson sent a telegram saying he could not keep his appointment, and asked permission to file a brief statement. If there is no objection we will permit that to be done. Doctor Dugan, of Columbia University, we have received no word from.

Mr. RAKER. At this time I would like to make a short statement. It has been stated that if the census of 1890 as a basis for the quota was obtained, it would be discriminatory regarding certain States on the Mediterranean and eastern and southeastern Europe. I called up the Director of the Census, Doctor Steuart, and he tells me while they have not made a tabulation of alien white foreign born in the United States, who are married, and where their wives are, that it is in the return, but they did not have enough money to make a tabulation of such data, but he would be pleased to appear before the committee, and thought while they could not make a complete statement, they could take, for instance, the States of New York and New Jersey, and be able to give that data to the committee, if the committee desires. This is for the purpose of showing the number of white foreign-born aliens in the United States from the age of 15 up to 55, married, but their wives abroad, females here whose husbands are abroad, and families, and to show the number of these aliens, and the country from which they came, single, both male and female, that now are of marriageable age, the length of time they have resided in the United States, and either male or female could marry, having resided in the United States, for the purpose of showing under the percentage plan suggested by the committee either 1910 or 1890, particularly 1890; they would be—this is my suggestion—there is a larger percentage of relatives coming in by a considerable number than from those of the States like Scotland, France, Norway, Sweden, or England, and thereby show that while we fixed the census for 1890, with the relative clause, it would more than equalize the offset by taking that census and thereby there would be no discrimination.

I want to submit that to the chairman and the committee for consideration on Monday, or such day as we get the information.

Mr. DICKSTEIN. I do not think that is the proper basis at all, and I do not think the figures suggested by Judge Raker are correct. They are speculative, hearsay, based upon no concrete tabulation, and it is nothing but speculation.

The CHAIRMAN. I see no reason why we should not endeavor to see what the Director of the Census has.

Mr. HOLADAY. Should not one thing be added there? Maybe you added it, and I did not get it, the number of alien citizens, or foreign-born citizens, who have wives in the old country.

Mr. RAKER. Yes, I think that ought to be there too. I thank you for that suggestion.

Mr. WILSON. Isn't the purpose to show if we adopt the 1890 census this additional information will disprove any suggestion that we are discriminating against Italy and every other country.

Mr. RAKER. Yes, if you take the census of 1890, it would be a lowering of those who could come in from those countries under the quota, but taking the number of male and female nonquota, who are here, and who can send for their relatives.

Mr. WATKINS. There would be no discrimination.

Mr. RAKER. Who can marry, both male and female, and it would bring in a larger number, and bring the quota higher than what is fixed from the other countries, so thereby, so far as the nationality is concerned, there would be no discrimination. That is what I think the committee ought to have.

Mr. SABATH. We ought to have all the figures available, but I would like to know how it will increase the number.

Mr. RAKER. I will answer that. I spent a couple of hours going over what I got from the census last night, and I find they run into millions, single and married. If single men from any age up to any age, can go to their native country, for instance, let us take Italy, and marry and bring his alien wife to the United States, that adds that much to the quota. They can adopt in a different way the picture bride proposition. They would go over and get them, so the young women living here or a woman of any age who has lived here, can return to Italy and marry and bring in her husband.

Mr. DICKSTEIN. Do you not think you are complicating the thing more?

Mr. RAKER. No, I do not. You say there was a discrimination.

Mr. DICKSTEIN. While you are trying to remedy it by another suggestion—

Mr. RAKER. Whenever you argue with a man there is nothing to it but showing the facts to the contrary. I believe any man should be fair-minded and just enough to bring the facts up to show the man who thinks there is a discrimination that there is not a discrimination, and that is the purpose of it.

Mr. FREE. Mr. Chairman, I think this is wasting a lot of time.

The CHAIRMAN. If there is no objection, we will ask for the official of the census office to be present Tuesday.

(The question was duly put and carried unanimously.)

Mr. LINEBERGER. Might I ask, Mr. Chairman, if an arrangement has been made to have a representative of the American Legion here to submit their views on the immigration question, as adopted in various resolutions in different national conferences?

The CHAIRMAN. Nothing has been arranged so far.

Mr. LINEBERGER. In case it is not possible for them to get here, I would like to ask permission of the committee to submit as a part of the record at a future date the resolution recently adopted at the San Francisco National Convention of the American Legion.

Mr. SABATH. I move that such request be granted.

Mr. WILSON. Will it be convenient or possible for Mr. Quinn, the manager of the Legion, to come?

Mr. LINEBERGER. I am endeavoring to get in touch with Mr. Quinn and our legislative representative of the Legion, Mr. Shapiro, in order that the Legion might present it to be used by this committee. During the existence of the American Legion it has gone on record in practically every national convention regarding the immigration question, and it is one of the outstanding features of the Legion policy to promote, I believe, the proper solution of this entire

immigration question. I think it would be very desirable if Mr. Quinn could come.

Mr. SABATH. Will you not try to have him come?

Mr. LINEBERGER. I will do the best I can to get him here.

Mr. SABATH. I know the committee would be pleased to hear from him.

The CHAIRMAN. It will be considered in order that the American Legion resolution be placed in the record and that the representative be asked to appear.

Mr. BOX. I want to call the attention of the committee to the fact that several times we have given witnesses the right to revise their statements. I understand that is under the rule to be followed by this committee, that those revisions, however, can not erase any matters of substance.

The CHAIRMAN. That is correct.

Mr. BOX. If they are to take these records (I practiced law, and I know about records)—where the record is large, if they are to take these records out and keep them indefinitely, we will need these hearings in a few days, and I think there ought to be some restriction on the scattering of this testimony, and there should be some provision to bring it back so our secretary can have it printed in the regular way, within a reasonable time, so we can use it for the benefit of our colleagues. These gentlemen that make statements will be taken into consideration by the House, as well as the committee.

The CHAIRMAN. There are two methods. We could order the temporary printing of each day's proceedings, subject to revision. It is a little expensive, but it fixes the matter in type. They will be printed exactly as the Congressional Record is, and then the revision can follow, and that course is pursued by the Ways and Means Committee.

Mr. BOX. Does that involve any great expense?

The CHAIRMAN. Where the revision tears down the type, it does. The experience has been that if we would print it daily, and let them be final, the edition of one day might be used up before we knew it, and when we came to find the volumes, or send out texts of the series, one day would be entirely missing. Judge Burnett had that trouble all the time. The plan of the committee in the last five years has been to assemble about a week at a time, printing as rapidly as possible, giving them a serial number, each series.

Mr. BOX. This last arrangement is a very decided improvement, but I know it will be some time before we have it printed, and these gentlemen, before they revise it, are liable to be crowded for time with other matters and postpone it, and we will want the record, and it will not be here. I want to be sure that this record is here for the benefit of these witnesses, and our colleagues, who are very much interested.

The CHAIRMAN. I think at the conclusion of the day's hearings all the hearings of the week will be gathered together and printed, subject to revision.

Mr. BOX. That is all right.

Mr. SABATH. I think that we should insist that all these hearings should be returned by every one of these gentlemen within three days' time at least.

The CHAIRMAN. You can not do it. Take a man like Mr. Marshall. It will be subject to small corrections, but he likes the privilege of

seeing that he has rounded out his sentences. If we sent them to him yesterday, he is likely to have another engagement, and he will hold them eight days.

Mr. Box. Many others are in much the same situation.

The CHAIRMAN. The clerk will endeavor to get the hearings up from the stenographers. They are behind, too. We have held such long sessions per day that they are a little behind. We will endeavor to close them up.

We have one or two witnesses present. Matters have come in which I think should go into the record, and we might start with two tables which have been placed before you, made from this one large blue print, endeavoring to show in a comparative way quotas that would be admitted on the census of 1910 and 1920, on quota additions of 2, 3, 4, 5, and 6 per cent; the 1890 quota basis is being made separately, but in addition to the ones dealing with the census of 1910 and 1920, the straight quota on the population of 1910 is also a comparative table, based on naturalization of 1920. The large blue-print table has been cut in two, and made in tables 1 and 2. Without objection it will be placed in the record.

Mr. WATKINS. Table 1 is on the population.

The CHAIRMAN. Yes; that is correct.

Mr. WATKINS. Table 2 is on naturalization.

The CHAIRMAN. Table 1 deals with the present law, the census basis of 1910, and shows various percentages. Table 2 is based upon the naturalization on the census of 1920, and it is noted that the various countries have been rearranged to show those with the heaviest possible immigration in the tops of both.

(The papers referred to are as follows:)

TABLE No. 1.—Citizenship of foreign-born white population by countries of birth, and quotas that would be available under per cents specified: Population (Table No. 1) based on census of 1910, and naturalization (Table No. 2) based on census of 1920.

Country of birth.	Population, census of 1910.	Annual quota on basis of—				
		2 per cent.	3 per cent.	4 per cent.	5 per cent.	6 per cent.
COUNTRIES HAVING MORE THAN 50 PER CENT NATURALIZED.						
Denmark.....	157,310	3,746	5,619	7,491	9,366	11,239
France.....	190,977	3,820	5,729	7,639	9,549	11,459
Germany.....	2,253,582	45,072	67,607	90,113	112,679	135,215
Great Britain, Ireland.....	2,578,064	51,761	77,342	103,123	128,903	154,684
Luxemburg.....	3,079	62	92	123	151	185
Netherlands.....	120,221	2,404	3,607	4,809	6,011	7,213
Norway.....	405,724	8,134	12,202	16,269	20,336	24,403
Pacific Islands.....	2,681	54	80	107	134	161
Sweden.....	668,081	13,361	20,042	26,722	33,403	40,083
Switzerland.....	125,050	2,501	3,752	5,002	6,253	7,503
Total.....	6,535,758	130,715	196,072	261,430	326,788	392,145
COUNTRIES HAVING LESS THAN 50 PER CENT NATURALIZED.						
Africa.....	3,457	69	104	138	173	207
Egypt.....	600	12	18	24	30	36
Albania.....	9,565	192	288	384	480	576
Armenia.....	7,680	154	230	307	384	461
Atlantic Islands.....	4,019	80	121	161	201	241
Australia.....	9,291	186	279	372	465	558
Austria.....	244,707	4,894	7,342	9,788	12,235	14,682
Belgium.....	52,080	1,042	1,563	2,084	2,605	3,126
Bulgaria.....	10,073	202	302	403	504	604

**TABLE No. 1.—Citizenship of foreign-born white population by countries of birth, and quotas that would be available under per cents specified: Population (Table No. 1) based on census of 1910, and naturalization (Table No. 2) based on census of 1920—Continued.**

Country of birth.	Population, census of 1910.	Annual quota on basis of—				
		2 per cent.	3 per cent.	4 per cent.	5 per cent.	6 per cent.
COUNTRIES HAVING LESS THAN 50 PER CENT NATURALIZED—continued.						
Czechoslovakia.....	478,566	9,571	14,357	19,142	23,928	28,714
Danish.....	10,016	200	301	401	501	601
Estonia.....	41,926	839	1,344	1,797	2,246	2,696
Finland.....	139,694	2,614	3,921	5,228	6,534	7,841
France.....	2,352	47	71	94	118	141
Greece.....	162,122	3,242	3,063	4,085	5,106	6,127
Hungary.....	191,574	3,832	5,747	7,663	9,579	11,495
Iceland.....	2,391	50	75	100	125	150
Italy.....	1,401,895	28,038	42,057	56,076	70,095	84,114
Latvia.....	51,344	1,027	1,540	2,051	2,567	3,081
Lithuania.....	87,615	1,753	2,629	3,506	4,382	5,259
Other Asia.....	3,045	61	92	122	152	183
Other Europe.....	2,858	57	86	114	143	171
Palestine.....	1,914	38	57	77	96	115
Poland.....	1,032,622	20,652	30,977	41,305	51,631	61,957
Portugal.....	82,169	1,643	2,465	3,287	4,108	4,930
Rumania.....	247,246	4,946	7,419	9,891	12,364	14,837
Russia.....	813,494	16,270	24,405	32,540	40,674	48,809
Spain.....	30,407	608	912	1,216	1,520	1,824
Syria.....	29,400	588	882	1,176	1,470	1,764
Turkey in Asia.....	88,451	1,769	2,654	3,538	4,423	5,307
Turkey in Europe.....						
Yugoslavia.....	214,211	4,284	6,426	8,568	10,711	12,853
Total.....	5,391,003	107,820	161,731	215,611	269,550	323,460
Grand total.....	11,926,763	238,535	357,893	477,071	596,338	715,005

**TABLE No. 2.—Citizenship of foreign-born white population by countries of birth, and quotas that would be available under per cents specified: Population (Table No. 1) based on census of 1910, and naturalization (Table No. 2) based on census of 1920.**

(NOTE.—The 3 per cent quota column in Table No. 1 shows the quotas under the present law and will serve for purposes of comparing the current quotas with those shown in this table.)

Country of birth.	Naturalized, census of 1920.		Annual quotas on basis of citizenship—					
	Number.	Per cent.	2 per cent.	3 per cent.	4 per cent.	5 per cent.	6 per cent.	Johnson bill.
<b>COUNTRIES HAVING MORE THAN 50 PER CENT NATURALIZED.</b>								
Denmark.....	130,826	69.2	2,616	3,925	5,233	6,541	7,850	2,785
France.....	88,740	55.7	1,753	2,629	3,506	4,382	5,259	3,014
Germany.....	1,227,713	72.8	24,551	36,831	49,109	61,384	73,662	51,227
Great Britain, Ireland.....	1,397,860	61.1	27,957	41,936	55,911	69,883	83,852	62,144
Luxembourg.....	9,124	72.5	182	273	355	438	520	58
Netherlands.....	73,773	55.0	1,475	2,213	2,951	3,689	4,426	1,637
Norway.....	211,713	67.3	4,235	6,352	8,469	10,586	12,703	6,154
Pacific Islands.....	1,824	50.1	36	55	73	91	109	42
Sweden.....	431,536	69.0	8,631	12,947	17,262	21,578	25,894	9,501
Switzerland.....	78,957	61.9	1,539	2,309	3,078	3,848	4,617	2,082
<b>Total.....</b>	<b>3,681,116</b>	<b>67.5</b>	<b>73,620</b>	<b>110,433</b>	<b>147,215</b>	<b>184,056</b>	<b>220,865</b>	<b>140,218</b>
<b>COUNTRIES HAVING LESS THAN 50 PER CENT NATURALIZED.</b>								
Africa.....	2,276	43.6	46	68	91	114	137	44
Egypt.....	413	7.4	8	12	17	21	25	4
Albania.....	10,574	28.9	211	317	423	529	634	13
Armenia.....	8,138	20.9	163	244	326	407	488	49

**TABLE NO. 2.—Citizenship of foreign-born white population by countries of birth, and quotas that would be available under per cents specified: Population (Table No. 1) based on census of 1910, and naturalization (Table No. 2) based on census of 1920—Continued.**

Country of birth.	Naturalized, census of 1920.		Annual quotas on basis of citizenship—					
	Number.	Per cent.	2 per cent.	3 per cent.	4 per cent.	5 per cent.	6 per cent.	Johnson bill.
COUNTRIES HAVING LESS THAN 50 PER CENT NATURALIZED—CONTD.								
Australia.....	5,345	43.5	105	160	214	267	321	120
Austria.....	216,998	37.7	4,339	6,509	8,679	10,848	13,018	1,103
Belgium.....	30,740	49.0	615	922	1,240	1,557	1,844	510
Bulgaria.....	1,288	12.1	25	38	51	63	76	61
Czecho-Slovakia.....	165,997	45.8	3,320	4,980	6,640	8,300	9,900	2,031
Danzig.....								
Estonia.....								
Finland.....	61,962	41.3	1,238	1,857	2,476	3,095	3,714	472
Fiume.....								
Greece.....	29,479	16.8	590	881	1,179	1,471	1,769	47
Hungary.....	115,730	29.1	2,315	3,472	4,629	5,787	6,944	474
Iceland.....								
Italy.....	452,733	28.1	9,055	13,582	18,110	22,638	27,165	3,912
Latvia.....								
Lithuania.....	34,627	23.6	693	1,039	1,385	1,731	2,078	213
Other Asia.....	2,815	36.5	56	84	111	141	169	45
Other Europe.....	2,815	48.0	57	85	113	142	170	5
Palestine.....	1,201	37.5	24	36	48	60	72	1
Poland.....	319,383	28.0	6,388	9,581	12,775	15,969	19,163	5,156
Portugal.....	11,019	16.4	221	331	442	552	663	474
Rumania.....	42,225	41.1	845	1,267	1,689	2,111	2,534	638
Russia.....	352,930	40.2	11,259	16,886	22,517	28,147	33,776	1,992
Spain.....	4,881	9.9	98	146	195	244	293	91
Syria.....	15,001	28.0	300	450	600	750	900	13
Turkey in Asia.....	2,798	25.1						
Turkey in Europe.....	1,070	20.2	77	115	154	192	230	129
Yugoslavia.....	42,686	25.2	854	1,281	1,707	2,134	2,561	851
All other.....	4,212	47.5	84	126	168	211	253	5
Total.....	2,149,272	32.5	42,986	64,474	85,971	107,464	122,957	120,639
Grand total.....	5,830,388	48.4	116,605	174,607	233,216	291,520	343,822	160,857

<sup>1</sup> Egypt, Danzig, Estonia, Fiume, Iceland, Latvia, included in totals.

The CHAIRMAN. Representative Cable has submitted a paper from Dr. John M. Gillman, of the University of Pittsburgh. If there is no objection it will be laid aside and be printed in connection with the one we have authorized to be submitted by Doctor Jennings of Johns Hopkins, and the two will be by themselves.

Mr. CABLE. I read that article in the paper, and wrote to get that information.

(The papers referred to are as follows:)

UNIVERSITY OF PITTSBURGH,  
SCHOOL OF BUSINESS ADMINISTRATION,  
Pittsburgh, Pa., December 18, 1923.

Hon. JOHN L. CABLE,  
Washington, D. C.

MY DEAR SIR: I take pleasure in reply to your request of the 17th, to forward to you a copy of my study of Doctor Laughlin's Report on Social Inadequacies in the United States.

If in any way I can be of further service to you, I shall be only too glad to be called upon.

Sincerely yours,

JNO. M. GILLMAN.

## STATISTICS AND THE IMMIGRATION PROBLEM.

On November 21, 1922, Dr. Harry H. Laughlin, staff member of the eugenics record office of the Carnegie Institution of Washington, D. C., and "expert eugenics agent" of the Committee on Immigration and Naturalization of the House of Representatives, appeared before that committee with the results of a study which he had made on the "individual physical, mental, and moral quality, and more particularly the potentiality of the immigrant as a parent of desirable Americans of the future."<sup>1</sup>

As a basis for this study he had taken "the occurrence of the degree of specific degeneracy within the several nativity and racial groups of the United States," as revealed by an enumeration "of the inmates of the custodial institutions of the several States and of the Federal Government." Ten such degeneracies, or "social inadequacies," were subjected to this analysis; as follows: (1) Feeble-mindedness; (2) insanity; (3) crime; (4) epilepsy; (5) inebriety (including drug habits); (6) disease (including tuberculosis, syphilis, leprosy, and other chronic infections and legally separable diseases); (7) blindness; (8) deafness; (9) deformity (including cripples and ruptured); and (10) dependents (including ne'er-do-wells, the homeless, tramps and paupers).<sup>2</sup>

In this investigation Doctor Laughlin claims to have found "a measure of degeneracy which characterizes the several nativity groups of the United States."<sup>3</sup> "The differences in institutional ratios, by races and nativity groups, found by these studies" he asserts "represent real differences in social values, which represent, in turn, real differences in inborn values of the family stocks from which the particular inmates have sprung. These degeneracies and hereditary handicaps are inherent in the blood."<sup>4</sup> He further asserts that "making all logical allowances for environmental conditions, which may be unfavorable to the immigrant, the recent immigrants, as a whole, present a higher percentage of inborn socially inadequate qualities than do the older stocks."<sup>5</sup> It goes without saying, therefore, that not the adequacy of the individual, but that of his family race or nationality becomes the test of his admissibility into the United States.<sup>6</sup>

Now, these conclusions are of serious import. They may go far in shaping our immigration policy of the near future. It is upon such evidence, for instance that rests the major part of the argument for changing the base year of our percentage immigration law from 1910 to 1890. Greater assurance of their validity might, therefore, be sought than the mere testimony of the chairman of the committee that he had examined Doctor Laughlin's "data and charts" and had found them "both biologically and statistically thorough, and apparently sound."<sup>7</sup> In fact, even a casual perusal of the "Hearings" will raise very serious doubts as to the soundness of both the statistical methods used and the biological premises implied. For instance, as a biologist, does Doctor Laughlin really care to go on record as claiming that deformity can be proven a race characteristic and racially heritable. Is the state of being an orphan hereditary?

But it is not necessary here to enter upon a detailed analysis of Doctor Laughlin's biological implications. Primarily Doctor Laughlin's is a statistical study. It is a study of "data and charts." And when examined in the light of the very elementary principles of statistics it is found that Doctor Laughlin has built upon three very doubtful premises, namely:

I. That an enumeration of these institutions, and particularly the enumeration as conducted by himself, sufficiently reveals the proportionate occurrence of these inadequacies among the various race and nativity groups.

II. That the data as gathered disclose significant differential occurrences among the various races and nationalities.

III. That the mere occurrence of an inadequacy within a group of individuals of a given race or nativity is a valid proof of the existence of susceptibilities toward the inadequacy as an inborn racial quality, Doctor Laughlin's fundamental biological assumption.

I.—A. Sufficient ground exists to doubt that "a statistical survey of the race or nationality \* \* \* of the inmates of the custodial institutions of the several States and of the Federal Government" "most accurately and profitably" reveals the "occurrence of the degree of specific degeneracy within the several

<sup>1</sup> Hearings before the Committee on Immigration and Naturalization, House of Representatives, 67th Congress, Third Session, Nov. 21, 1922, p. 729. The Report, as Serial 7-C, was released by the Superintendent of Documents in July, 1923.

<sup>2</sup> Page 730; <sup>3</sup> Page 733; <sup>4</sup> Page 752; <sup>5</sup> Page 755; <sup>6</sup> Page 748; <sup>7</sup> Page 731.

nativity and racial groups of the United States." \* For instance, Doctor Laughlin himself admits "that only about 5 per cent of the feeble-minded persons needing custodial care are actually receiving it from their respective States. The rest remain in the care of their own families \* \* \*". Obviously, those families which by virtue of their better economic status can take care of their feeble-minded at home will be most inadequately represented in the statistics of the institutions for the feeble-minded. Without seeking further proof, it may be confidently asserted that these would generally be the families of the older American and earlier immigrant stocks, who in the course of a longer sojourn in this country have established themselves in economic competence. Conversely, poorer families, economically speaking, will have relatively larger proportionate institutional representation. In general these are the families of our more recent immigrants.

That this would hold true with varying proportions in the case of most of the remaining inadequacies is a foregone conclusion. The more economically competent will take care of their own insane, their epileptics, their deaf, their blind, their deformed, their orphans, etc., either within the family circle or in private sanatoria. On the other hand, the inadequates from among the foreign born and economically less able families will become inmates of our custodial institutions in apparently disproportionate numbers.

B. But besides this fundamental fallacy Doctor Laughlin further qualifies the soundness of his enumeration—

a. Through an unrepresentative territorial selection of his data, and

b. Through a misinterpretation of these data in terms of an arbitrarily determined "quota."

(a) At the time of the survey,<sup>10</sup> in 1921, there were 657 State and Federal custodial institutions in the continental United States. Doctor Laughlin's study is based on information received from only 445 of these. A complete statistical census of all the institutions taken in 1916 showed a total inmate population of 394,991. Doctor Laughlin's inventory of the 445 institutions in 1921 yielded only 210,835 inmates, or a little over 50 per cent of the 1916 figures. Now, for diagnostic purposes, this sample of 50 per cent of the cases is quite acceptable. But for a racial-nativity analysis a sample to be acceptable must first be statistically weighted in accordance with the racial heterogeneity of our States.

As is well known, our foreign-born population, especially the immigrants of the last 30 to 40 years, are concentrated in our industrial States. The per cent of foreign born in the population of North Carolina, according to the census of 1920, was 0.3; of Rhode Island it was 28.7, to take the two extremes. Under the circumstances Doctor Laughlin's data should have been "corrected" for this selective factor in the enumeration, as well as for the age and sex distribution of each nativity group and for each of the various States. One or two examples will illustrate the point.

In the first two columns of Table I, which follows, are arranged the 48 States and the District of Columbia in order of the per cent proportion of their foreign-born population as of 1920. In the last two columns are shown the States for which Doctor Laughlin failed to secure data for the feeble-minded and the insane. A comparison of the four columns readily discloses the fact that as many as 16 of the 24 States lowest in percentage, but only 8 of the 24 States highest in percentage of foreign born were omitted in the enumeration of the feeble-minded, and that 7 of the lowest 24 States, with 15,555 inmates, and 5 of the highest 24, with only 3,094 inmates, were omitted in the enumeration of the insane. Not that these omissions were intentional for, as noted above, not all the institutions circularized returned the desired information. But the native proportion of the omitted feeble-minded of the 16 States, and the corresponding proportion of the omitted 15,555 insane of the 7 States, if added to the inadequates credited by Doctor Laughlin to the "native" group would appreciably decrease their relatively favorable standing.<sup>11</sup>

\* Page 730.

† Page 736.

<sup>10</sup> Page 731.

<sup>11</sup> It should be noted also that not all the States institutionalize their inadequates to the same extent, and the States which provide least institutional care for their inadequates are among the most "native" States; that is, the States below the Mason and Dixon line.



TABLE I.—States omitted in enumeration.<sup>1</sup>

States.	Per cent of foreign-born white.	Feeble-minded.	Insane.	States.	Per cent of foreign-born white.	Feeble-minded.	Insane.
North Carolina.....	0.3	.....	.....	Utah.....	12.6	(—)	.....
Mississippi.....	.4	.....	.....	Vermont.....	12.6	200	.....
South Carolina.....	.4	.....	1,791	South Dakota.....	12.9	297	.....
Georgia.....	.6	.....	3,947	Oregon.....	13.0	310	.....
Tennessee.....	.7	.....	.....	Wyoming.....	13.0	.....	229
Alabama.....	.8	.....	.....	Maine.....	14.0	.....	.....
Arkansas.....	.8	.....	.....	Pennsylvania.....	15.9	.....	.....
Kentucky.....	1.3	353	4,376	Montana.....	17.1	.....	.....
Virginia.....	1.3	(—)	.....	Wisconsin.....	17.5	.....	.....
Oklahoma.....	2.0	.....	.....	Washington.....	18.4	.....	.....
Louisiana.....	2.5	.....	.....	Illinois.....	18.6	.....	.....
West Virginia.....	4.2	.....	.....	Nevada.....	19.1	(—)	244
Florida.....	4.4	.....	1,444	Michigan.....	19.8	.....	.....
Indiana.....	5.1	.....	.....	California.....	19.9	.....	.....
Missouri.....	5.5	(—)	.....	North Dakota.....	20.3	.....	.....
Kansas.....	6.2	588	2,976	Minnesota.....	20.4	(—)	.....
District of Columbia	6.5	(—)	.....	New Hampshire.....	20.6	.....	.....
Maryland.....	7.0	613	.....	Arizona.....	23.4	(—)	484
Texas.....	7.7	.....	.....	New Jersey.....	23.4	.....	.....
New Mexico.....	8.1	.....	.....	New York.....	26.8	.....	.....
Delaware.....	8.9	.....	.....	Connecticut.....	27.3	284	.....
Idaho.....	9.0	.....	621	Massachusetts.....	28.0	.....	.....
Iowa.....	9.4	.....	.....	Rhode Island.....	28.7	.....	1,349
Nebraska.....	11.5	.....	.....				
Colorado.....	12.4	.....	1,188	Total (in 1916).....		2,645	18,649

<sup>1</sup> The leaders (—) and figures indicate the States omitted. The figures are for the inmates as enumerated in 1916.

To obviate this criticism Doctor Laughlin proposes to test the representativeness of his data by means of the "probable error."<sup>12</sup> The probable error is a mathematically determined quantity which indicates the limits within which a given statistical constant would fluctuate if more or larger samples of the groups of facts measured were taken. For instance, suppose we wished to determine the average height of a student body of an institution with an enrollment of 6,000. The statistician need not measure the height of every one of the 6,000 students. He would merely measure at random such student groups as the largest class in freshman English, the largest class in sophomore political science, the largest class in junior economics, and the largest class in senior social ethics. He would thus secure a set of measurements, say, of only 600, or 10 per cent of all the students. Say further that the computed average, or mean, amounted to 67 inches; also that  $P. E. = \pm 0.5$ . This on the basis of the mathematical theory of probabilities means that if he had measured every one of the 6,000 students the chances are even that the calculated mean would still have been found to lie between 66.5 and 67.5 inches—that is,  $67 \pm 0.5$  inches. But supposing, on the other hand, that as many as 50 per cent of the freshmen only were measured, and the average of, say, 65 inches obtained. A P. E. would be meaningless as indicative of the limits of the mean of the whole of the student population. The logical fact would remain that the mean height of freshmen can not be taken to represent the stature of the upperclassmen, no more than it can be taken to measure their own ultimate height when they reach the sophomore, junior, and senior years.

So it is with the case at hand. An enumeration of the institutionalized inmates of the States with relatively large foreign-born populations can not be taken as representing fairly the race and nativity distributions of inmates in institutions of States where the population is mostly native. The probable error measures the limits of the mathematical values of statistical samples only in the case when the samples are drawn from a homogeneous mass of data.

As a matter of fact, after he obtains his provable errors, Doctor Laughlin proceeds promptly to neglect them in his analysis. The reason, of course, is clear. Doctor Laughlin was told by one of his colleagues<sup>13</sup> that a finding should be at least two or three times larger than its P. E. in order to be satis-

<sup>12</sup> Loc. cit., page 734.

<sup>13</sup> Page 772-773.

tically reliable. Also that "a per cent distribution of less than 5 invalidates the significance of the accompanying P. E." But in case after case the P. E. obtained by Doctor Laughlin invalidated his findings. In the racial-nativities measured for feeble-mindedness the P. E.s are large enough to invalidate the findings in 14 of the 32 groups. In the case of epilepsy the findings of 11 of the 29 groups are unacceptable for the same reason. In tuberculosis the finding for Mexico is  $6\pm16$ ; for Switzerland  $11\pm22$ . In blindness, 3 of the 9 groups, in deformity, 4 of the 9 groups, in dependency 6 of the cases are thus invalidated.<sup>14</sup> Yet all these findings Doctor Laughlin absorbs into his generalized data without making the slightest allowance for the P. E.s whatsoever.

(b) After selecting doubtful samples for an incomplete enumeration, and after neglecting the limiting probabilities which he had himself set up as necessary correctives, Doctor Laughlin proceeds to compute relative ratios of inadequacy for the various race and nativity groups, "quota fulfillments," in a manner which is open to even graver criticism. Doctor Laughlin explains the "quota fulfillment" as follows:

"\* \* \* if we are to compare different nativity groups and races which are represented by vastly different total numbers in the whole population of the United States, we must reduce \* \* \* absolute measurement to a relative one-one based on per cent or quota fulfillment \* \* \*. This was done by crediting \* \* \* to \* \* \* say the Italian born, in the whole institutional population for the type under consideration, say, insanity, a number measured by the percentage of the Italian born in the whole population of the United States, the latter as found by the Federal census of 1910.

"We then made a first-hand institutional survey, as of January 1, 1921. \* \* \* The next step was to compare the number expected with the number found. In making such comparisons the divisor is always the number expected, or the quota, and the dividend is always the number actually found by the survey. The quotient is the quota fulfillment, which is expressed in the terms of per cent. \* \* \*

"\* \* \* For instance, according to the census of 1910 there were 1,343,125 persons of Italian birth in the United States, constituting 1.46 per cent of the whole population of the United States. \* \* \* Consequently, if the Italians in the United States were equally as susceptible as all other nativity groups to insanity, we should expect 1.46 per cent of the inmates in all hospitals for the insane in the United States to be of Italian birth. In the 93 hospitals for the insane \* \* \* there were 84,106 inmates at the time of the survey. The Italian quota is 1.46 per cent of 84,106, or 1,228. This is the number calculated or expected. The actual survey found 1,938 persons of Italian birth. \* \* \* Dividing the number found by the number expected, we find a quota fulfillment of 157.53 per cent."<sup>15</sup>

Now, all this sounds reasonable, only that Doctor Laughlin committed two serious statistical errors in the process. In the first place, as numerators he uses the inmates in the custodial institutions as of 1921, but as denominators he uses the various races and nativities as of 1910. In the second place, he divides the number of specific inadequacies by the whole of the respective population groups instead of first allowing for the respective age and sex proportions of the population which are variously represented in custodial institutions. He, so to speak, divides 2 bushels of wheat by 3 bushels of rye and gets a "quota" of two-thirds, or 66 per cent of potatoes.

(1) On the first score Doctor Laughlin attempted to anticipate the criticism in the following manner:

"It seemed logically sounder to make the comparison on the basis of the census of aliens in the United States of 1910 and the inmates of institutions a decade later because the immigrants who go through Ellis Island, and who are destined to become inmates of institutions, do not pass immediately from the immigrant station to the institutions, but mix first in the free population of the country and are later segregated. All of this takes time."<sup>16</sup>

Is it logically sounder? By this method Doctor Laughlin fails to measure either the specific contributions to the inmate population by each specific incoming immigrant group, or the ratio between the foreign-born inmates in American custodial institutions to-day and the present general immigrant population in the country. For were the former Doctor Laughlin's intentions, and a definite lag had been determined between the date of arrival of each specific

<sup>14</sup> See hearings, figures 1 to 5.

<sup>15</sup> Page 731-732.

<sup>16</sup> Page 731.

immigrant group and the date of admission of its inadequates to our institutions, say, the lag for the admission of Italian insane had been discovered to be 10 years, in order to obtain the proper ratio, he would have to divide the number of inmates admitted each year by the number of immigrants that had come at the beginning of the lag. The number of Italians admitted in 1910 would have to be divided by the number of Italians that came to the United States in 1900; the number admitted in 1914 by that of the immigrants of 1904. And similarly for the rest of the several inadequacies and immigrant groups. If, on the other hand, what Doctor Laughlin is endeavoring to measure is the "occurrence" of the various inadequacies within our several nativity groups at a given time, as he claims to have done, then the only logical dividend is the present respective population of these groups. In the present instance the population census of 1920 was the logical basis for the quota ratios.

The fact is that had Doctor Laughlin computed his quotas on the 1920 instead of on the 1910 basis he would have found even lesser support for his conclusions. Between 1910 and 1920 our older immigrant stocks—"our foundation stocks," as he calls them—decreased by 1,600,000 more than did our newer immigrant stocks, the immigrants from southern and eastern Europe; and one need not be a statistician to discern that the smaller the denominator the larger the fraction, the quotient, or quota.

The error committed by Doctor Laughlin will become more obvious by referring to a reverse error committed by a writer on immigration who attempted to prove conclusions opposite to those of Doctor Laughlin, namely, that recent immigration has not caused an increase in crime, pauperism and insanity in the United States. From the fact that a census taken in 1904 had disclosed an inmate population of 634,877 and that one taken in 1908 disclosed an inmate population of 610,477, some 25,000 inmates fewer, that writer joyfully concluded that, "A comparison of these figures clearly shows that the large immigration of the five year period 1903-1908 was accompanied by an actual decrease of pauperism and crime," and hence "the statistics for crime and pauperism give no occasion for alarm."<sup>17</sup> Obviously, the implication that immigration might be held responsible for contemporaneous changes in the number of inmates in our custodial institutions is entirely gratuitous.

What prompted both these gentlemen to commit these errors was apparently their intense desire, of one to associate with, and of the other to dissociate from race the incidence of the various social inadequacies. Facts were therefore selected in such a manner and the methods of interpretation were so chosen as to yield the desired support for their preconceived conclusions.

Curiously enough, Doctor Laughlin did venture out into the mysteries of sound statistics for just long enough to assure himself that that was not the path especially desirable for the purpose at hand. Doctor Laughlin computed the quotas for two of the 10 inadequacies, for feeble-mindedness and insanity, on the 1920 basis.<sup>18</sup> But what he discovered was not apparently to his liking. Table II presents several comparisons between the quotas as determined on the 1920 and 1910 bases.

TABLE II.—Comparative quota fulfillments on the 1910 and 1920 bases.

Race or nativity.	Feeble-mindedness.		Insanity.	
	1910	1920	1910	1920
Native born white, native parentage.....	107.70	101.87	73.27	71.33
Native born white, mixed parentage.....	190.27	187.15	103.96	102.17
Native born white, foreign born parents.....	165.39	156.50	108.49	92.60
Northwestern Europe.....	18.48	23.88	128.36	269.15
Eastern Europe.....		43.25		201.32
Southern Europe.....	33.02	21.18	188.50	149.77

The outstanding deductions from these comparisons are quite clear. There had taken place in these 10 years a lowering of the institutional quotas in both feeble-mindedness and insanity for all the nativity groups except for those from northwestern Europe. For the latter there was an increase in both quotas. In

<sup>17</sup> I. A. Hourwich: *Immigration and Labor*, 1st Ed., p. 353.

<sup>18</sup> Hearings, Tables 12 and 13.

insanity there was an increase from 198 per cent to 269 per cent, an increase of 36 per cent. Obviously, however, this was an apparent increase only, due to the use of a diminished denominator. At any rate, it surely was no reason for the panicky retreat into the superficially safe refuge of deriving the quotas from a false, the 1910 basis.

(2) In the second place, Doctor Laughlin's method of quota fulfillment is unacceptable also on the ground that he derived the ratios by dividing the occurrences of inadequacies, which in most cases possess specific age and sex attributes by the whole of each of the various race and nativity populations. One of the most vital principles of statistics is that in computing ratios or percentages the numerator and denominator must be correlative or homogeneous in denomination. The relative incidence of measles in the lower east side and upper west side of New York City is referred to not in terms of the total number of cases in each district as divided by the respective total populations, but in terms of the ratio between the number of cases and the number of children of the susceptible age group, say, the age group of 1 to 10 years, living in the respective districts.

In the case at hand, differences in sex and age must be allowed for in order to obtain ratios of a proper perspective. Criminality, for instance, is by far more characteristic of the male than of the female sex. In 1916<sup>19</sup> the male criminal inmates in the custodial institutions of the United States numbered 87,716, the females only 7,532. In 1910 at the peak of the immigration current there were living in the United States 229 foreign-born white males to every 100 foreign-born white female, a situation which undoubtedly also obtained in 1916. The males and females of native birth, on the other hand, obtain in approximately equal proportions. Secondly, major crimes are committed neither by minors nor by superannuates, and according to the census of 1920, 53.2 per cent of our foreign-born white males and but 35.5 per cent of our native-born white males were between 20 and 44 years of age. According to the census of 1910—the figures for the census of 1920 are not available at the present writing—"almost two-thirds of the difference between the native and foreign-born white as regards the relative numbers committed to prisons and jails is due to the difference in age composition."<sup>20</sup> What is even of greater significance, the census goes on to show, is that, "in the ages between 21 and 55 the ratio of commitments is either smaller for foreign-born males than for the native-born or is not much larger in all divisions (geographical) except the three southern \* \* \* and the mountain divisions."<sup>21</sup>

II. Doctor Laughlin's biased approach to his problem becomes most glaring when his conclusions are subjected to the second test, namely, whether the data gathered in the survey under review reveal a significant differential in the quota fulfillments of the various race and nativity groups which would warrant his assertions as regards the existence of greater racial susceptibilities toward the inadequacies among recent immigrant than among our older immigrant stocks. Table III is a condensed summary of the quotas which are given in detail in the hearings.

TABLE III.—*Quota fulfillments of the several types of social inadequacies, by general nativity groups.*

Nativity group.	Feeble-minded.	Insane.	Criminalistic.	Epileptic.	Tuberculosis.	Blind.	Deaf.	Deformed.	Dependent.	Summary.
Native white of native parents.....	107.70	73.27	81.84	93.05	89.40	155.64	134.20	66.21	104.00	84.33
Native white of mixed parents.....	190.27	103.90	115.58	200.00	122.98	81.29	75.83	145.45	101.77	116.63
Native white of foreign-born parents.	165.39	108.49	91.14	179.51	122.97	57.31	82.24	364.21	101.97	109.40
Northwestern Europe.....	18.98	198.36	37.97	80.36	94.08	8.33	11.49	.....	233.81	130.42
Southern and eastern Europe.....	33.02	188.50	141.25	89.04	148.02	20.37	22.31	50.00	50.39	143.24

<sup>19</sup> Defective, dependent, and delinquent classes in State institutions, U. S. Census, 1916, pp. 8-9.

<sup>20</sup> Prisoners and juvenile delinquents, 1910, p. 120.

<sup>21</sup> *Ibid.*, p. 127.

The outstanding fact in Table III is the unexpected variability in the ratios of the various races and nationalities with respect to the several inadequacies. There is apparently no single race or nationality that is consistently either high or low in its quota fulfillments. Ireland, for instance, has the lowest ratio of all peoples in feeble-mindedness, 8.16 per cent, but the highest in dependency—633.53 per cent. Mexico is lowest in tuberculosis, with a quota of only 6.25 per cent, but is highest in criminality, her quota for that inadequacy being 549 per cent, etc. The full significance of these variations will be more fully discussed in a later connection. For the present moment the task is to discover the significant differential among the quotas for the stocks of recent immigrants and those of the earlier immigrants. The facts disclosed in Table III are most remarkable in view of the persistent reiteration of Doctor Laughlin that the recent immigrants have "a higher percentage of inborn socially inadequate qualities than do the older stocks." In seven out of the nine inadequacies for which quotas were computed the immigrant from southeastern Europe—the recent immigrant—shows ratios below one or more of the four older nativity groups—the native-born white of native parentage, the native born white of mixed parentage, the native-born white of foreign parentage and the immigrants from northwestern Europe, our "foundation stocks." Specifically, southeastern Europe shows lower ratios than the three native groups in feeble-mindedness, epilepsy, blindness, deafness, deformity, and dependency, in six of the nine inadequacies. In insanity and in dependency southeastern Europe has a lower ratio than northwestern Europe. In only two inadequacies, crime and tuberculosis, have the immigrants from southeastern Europe a higher incidence of inadequacy than the other four nativity groups. But, as we have seen a moment ago, the major part of the apparent difference in the crime ratios is accounted for by the peculiar age and sex composition of our recent immigrants, and as for tuberculosis, Doctor Laughlin readily admits that, "because of its infectious nature, it is not possible to say, from the figures which we have here analyzed, whether the immigrant stock of the present generation is more or less constitutionally susceptible to tuberculosis than the older stocks."<sup>22</sup>

It seems, however, that as far as drawing conclusions is concerned, the statistics which Doctor Laughlin has collected are merely incidental. For whenever the statistics do not bear out his presuppositions he blames the recent immigrants for the higher quotas found among the rest of the nationalities. The fact, for instance, that in feeble-mindedness the three native groups show quotas of 108 per cent, 190 per cent, and 165 per cent, respectively, while the quota for southeastern Europe is found to be only 33 per cent, is to Doctor Laughlin ample evidence that "the average recent and present immigrant is himself vastly better than the blood or hereditary family stock which he brings with him to the American type of the future."<sup>23</sup> In the case of the epileptic, the quota fulfillment for the recent immigrants is 88 per cent; for the native white of foreign parentage, 17 per cent; for the native white of mixed parentage, 200 per cent; for the native-born white of native parents, 93.05. The conclusion, as he sees it, therefore is that "we admitted bad blood and did not know it."<sup>24</sup> To the mind of a congressional "eugenics expert" the wrath of God not only descends even unto the third and fourth generation; it also transfuses the "bad blood" of the "recent and present immigrant" into the veins of people born generations earlier.

Doctor Laughlin's treatment of the statistics for dependency is characteristic. From a study of poor relief in Massachusetts he finds that southeastern European immigrants fill their quota to the extent of 50.39 per cent, only half as much as that of the native groups, and less than a quarter of that of northwestern Europe. He therefore reasons as follows:

"In dependency the older American stocks show an incidence higher than the newer \* \* \* the immigrants themselves are, for the most part, thrifty \* \* \*. But allowing for all these factors, it seems clear that in the matter of family thrift, if not in personal industry, the immigrants of former generations were superior to those of the present time."<sup>25</sup>

The busy Congressman reads the last sentence only, and votes accordingly.

Hitherto we have been concerned with an examination of I, Doctor Laughlin's methods of enumeration, and II, his methods of interpretation, and we found that his enumeration, his samples, the computation of his quota fulfillments, and his interpretation of the resulting findings were all statistically and logically

<sup>22</sup> Hearings, p. 743.

<sup>23</sup> Hearings, page 739.

<sup>24</sup> Hearings, page 743.

<sup>25</sup> Page 743.

unsound, and clearly designed to place the recent and current immigrant in as unfair a light as possible. Despite all these efforts, however, when the several quotas are summarized and averaged for the several race and nativity groups (see Table III above), the incidence for southeastern Europe is found to be only some 10 per cent higher than for that of northwestern Europe, namely, 143.24 per cent and 130.42 per cent, respectively. For all the native groups combined the quota amounts to 91.89 per cent. To Doctor Laughlin the differential of 10 per cent between the quotas of the recent and older immigrant stocks signifies "real differences in social values." Yet he completely ignores the much larger differential, of over 41 per cent, between the quotas of the native stocks and of the immigrants from northwestern Europe, akin to the natives. To the student who approaches his data with no bias or preconceptions, these differentials are significant not of a difference in social values, but of a relatively shorter or longer experience in the invigorating social and economic environment of America. In the case of insanity, for instance, even Doctor Laughlin is constrained to admit that, "after the shock of immigration is over and adjustment more or less established, the children of immigrants \* \* \* show a lower incidence of insanity than that found among the immigrants themselves \* \* \*." The "bad blood" which we have in our ignorance admitted apparently, does lose its virulence under the all-healing benevolences of the American environment.

III. Finally, Doctor Laughlin's third premise, that the occurrence of an inadequacy among individuals proves it to be an inborn racial quality, can best be tested by the method of correlation.

According to the theory of correlation, "When two quantities are so related that the fluctuations in one are in sympathy with fluctuations in the other, so that an increase or decrease of one is found in connection with an increase or decrease (or inversely) of the other, and the greater the magnitude of the changes in the one, the greater the magnitude of the changes in the other, the quantities are said to be correlated."

The degree of correlation is generally expressed in terms of  $r$ —the coefficient, which according to the formula worked out by Karl Pearson can not be larger than +1, perfect positive correlation, nor less than -1 perfect negative correlation. Coefficients less than .30 are considered low; coefficients less than .20 are probably negligible. Furthermore, to be significant,  $r$  must be at least 4 times its P. E.

In the present instance, several series of values, the quotas for the several degeneracies, are presented as jointly and separately representing inborn racial values of a number of races and nationalities. These series of values should accordingly show a high degree of positive correlation. That is, races of peoples fulfilling high quotas in one degeneracy should fulfill relatively high quotas in the other degeneracies and vice versa. On the other hand, should the degree of correlation be found negligible or even low it is safe to conclude that the values, the quotas observed, are on the whole independent of each other and can not be taken as indicative of race qualities.

Normally, the formula used for the computation of  $r$  is the product-moment formula,  $r = \frac{\sum xy}{n\sigma_x\sigma_y}$  as developed by Karl Pearson. However, when the number of cases involved is less than 30-40 the product-moment method has been found unsatisfactory, and the "rank" or "grade" coefficient formula  $P = 1 - \frac{6SD^2}{N(N^2-1)}$  is used instead. In the present instance, when the summary quotas, such as those for "northwestern Europe" and "southeastern Europe," are excluded, as also the numerous race and nationalities for which the quotas are negligibly small, only from 18 to 25 remain. Accordingly, for the present purpose the  $\rho$  formula was deemed the more applicable of the two and the  $r$ 's were derived from the  $\rho$ 's in accordance with expressions  $r = \sin\left(\frac{\rho}{6}\right)$ . In Table IV are arranged the several race and nativity groups in the ascending order of the irrank quota fulfillments for the six most significant degeneracies, and for "all" that is, for the average of all the nine degeneracies, as computed by Dr. Laughlin. These ranks were derived from Table V in which the actual quotas are listed. The results of the computation are shown in Table VI.

\* Page 741.

† Bowley, A. L., *Elements of Statistics*, p. 316.

TABLE IV.—Rank: Quota fulfilment.

Nativity group.	Feeble-minded.	Insanity.	Crime.	Epilepsy.	Tuberculosis.	Dependency.	All.
Austria-Hungary.....	8	10	8	9	6	2	5
Bulgaria.....	20	23	23	7	10	15	24
Canada.....	9	9	7	11	10	15	6
China.....	5	5	22	4	14	17	14
France.....	5	14	12	4	14	17	15
Germany.....	6	17	3	10	3	12	8
Great Britain.....	12	12	5	19	7	16	11
Greece.....	4	16	20	8	20	14	20
Ireland.....	1	24	2	16	15	19	22
Italy.....	11	13	18	12	13	3	16
Japan.....	13	1	15	3	1	2	23
Mexico.....	13	11	24	3	1	8	9
Native white, foreign parents.....	22	8	10	21	12	8	12
Native white, mixed parents.....	23	7	11	22	11	7	12
Native white, native parents.....	21	4	9	13	8	9	3
American Negro.....	3	2	17	1	4	1	4
Netherlands.....	14	15	6	6	9	6	10
Portugal.....	17	19	18	20	19	11	17
Rumania, Russia.....	10	6	14	18	17	4	19
Poland, Finland.....	18	22	13	17	16	5	13
Scandinavia.....	7	20	4	2	17	5	26
Serbia.....	24	25	26	15	18	25	25
Spain.....	19	3	25	5	2	10	1
Switzerland.....	2	3	25	5	2	10	1
Turkey in Europe.....	16	21	19	14	2	18	21

TABLE V.—Quota fulfilments.

Nativity group.	Feeble-minded.	Insanity.	Crime.	Epilepsy.	Tuberculosis.	Dependency.	All.
Austria-Hungary.....	21	131.2	68.4	64.5	70.9	25.2	91
Bulgaria.....	60	360	364.6				227.2
Canada.....	23	121.4	66	75.5	107	187.8	29.2
China.....		78.3	337				125.2
France.....	19.1	158.3	124	33.3	125	210	133.3
Germany.....	19.6	174.5	35.1	73.5	24.5	120	107.4
Great Britain.....	27.2	156.8	44	145.5	72.09	217.5	113
Greece.....	15.5	172.7	293.6	57.1	436.3	143.1	190.9
Ireland.....	8.15	305.4	31	108.4	155.7	633.6	208.8
Italy.....	25.3	159.5	219.1	83.8	122.9	40.5	144.5
Japan.....		42.9	153.1				57.8
Mexico.....	31.6	137.5	549	25	6.25		219.6
Native white, foreign parents.....	165.3	108.5	91.1	179.5	122.9	101.9	109.4
Native white, mixed.....	190.2	105.1	115.5	199.8	122.9	101.7	116.6
Native white, native parents.....	107.7	73.2	81.8	93	89.04	104	84.3
American Negro.....	15.1	57.2	207.9	10.9	40.7	24.02	86.1
Netherlands.....	33.3	171.6	58	46.5	100	83.3	111.7
Portugal.....	48.3	181.6	185.7	150	375	114.3	166.6
Rumania, Russia.....	24.2	101	142	120			103
Poland, Finland.....	50.5	265.9	126	117.2	201	71.8	183.5
Scandinavia.....	20	193.3	35.4	13.9	213.6	76.5	118.6
Serbia.....	220	400	1,400				600
Spain.....	55		660	100	300		400
Switzerland.....	8.45	69.2	27.6	44.4	11.1	106.3	53.8
Turkey in Europe.....	42	200	240	100		375	199.1

TABLE VI.—Coefficients of correlation.

Correlated items.	Rho.	r.	P. E. rho.
Feeble-mindedness and dependency.....	-0.78	-0.79	0.065
Crime and dependency.....	-.38	-.39	.142
Crime and epilepsy.....	-.19	-.198	.149
Insanity and epilepsy.....	-.13	-.136	.157
Feeble-mindedness and tuberculosis.....	-.12	-.125	.16
Epilepsy and dependency.....	-.12	-.125	.168
Insanity and dependency.....	-.08	-.094	.163
Insanity and feeble-mindedness.....	-.056	-.052	.16
Epilepsy and all.....	-.05	-.053	.163

Table VI.—Coefficients of correlation—Continued.

Correlated Items.	Rho.	r.	P. E. rho.
Crime and tuberculosis.....	-.02	-.02	.161
Dependancy and tuberculosis.....	-.02	-.02	.171
Insanity and crime.....	+.04	+.042	.148
Dependancy and all.....	+.12	+.125	.164
Feeble-mindedness and all.....	+.16	+.167	.1425
Epilepsy and tuberculosis.....	+.17	+.177	.157
All and tuberculosis.....	+.37	+.383	.14
Insanity and tuberculosis.....	+.41	+.426	.138
Feeble-mindedness and crime.....	+.34	+.354	.13
Feeble-mindedness and epilepsy.....	+.50	+.517	.116
Crime and all.....	+.57	+.588	.0955
Insanity and all.....	+.78	+.794	.0565

Even a superficial examination of Table V will at once disclose the complete absence of concomitance among the quota fulfillment. Of this we have spoken before. But in terms of the coefficient of correlation this absence of concomitance is of special significance. Before the computations were undertaken it was presumed that because of the diagnostic interrelationship of the various degeneracies that some degree of correlation would be established among them, and that all would be, by the logic of the case, positive in character. Social pathological cases run in families; that is, where feeble-mindedness is found, there also will be found epilepsy, insanity, etc. Students of social pathology will recall the histories of the Jukes and of the Kallikaks, the degenerate family trees that trace their origin to early New England ancestors. Instead, 11 out of the 21 correlations computed turned out to be negative, and 17 out of the 21 were found to be of either such low values, or to have such high P. E.'s that their significance is entirely negligible. The fact that so many of the r's have negative values and that so many of the P. E.'s are so large point with a certainty of mathematical precision to the extreme unreliability of Doctor Laughlin's data. The low values of r, with equal precision remove any possible support from Doctor Laughlin's assumptions as to the existence of racially inborn social inadequacies among the people here studied.

The attempt to vilify the "present and recent immigrant," disclosed in the preceding paragraphs, is not a new venture in the history of American immigration. From the earliest days of American history, the "present and recent immigrant" has been proclaimed by his immediate predecessor as inferior and undesirable. So the English despised the German, the Germans the Irish, and these together, since 1880, have derided as "inferior" to themselves, the "new" immigration of Slavs and Hungarians and Italians. It is a matter of recorded history that in 1727 the colonial governor of Pennsylvania caused the enactment of a special antiimmigration law because he "feared that the peace and security of the Province was endangered by so many foreigners coming in, ignorant of the language," etc.<sup>21</sup> This was before the time of immigration from southeastern Europe. A century and a quarter later we find an antiimmigration appeal by a political party in similar words: "It is an incontrovertible truth," that party proclaimed, "that the civil institutions of the United States of America have been seriously affected and that they now stand in imminent peril from the rapid and enormous increase in the body of residents of foreign birth, imbued with foreign feelings and of an ignorant and immoral character."<sup>22</sup> All this from the descendants of those whom the colonial governor feared as dangerous to the peace and security of the Province. All this before the days of the "Humkey" and the "Wop."

In Doctor Laughlin's "expert analysis of the metal and the dross in America's modern melting pot," as the chairman of the House committee proposes to call his survey, is in line with several other recent efforts to prove "our present and recent immigrant" inferior to ourselves. But in order to give these efforts a semblance of impartiality Doctor Laughlin has ventured out from behind the screens of the generalities of our forefathers and has attempted to conceal his preconception in the elusiveness of technical statistical inaccuracies.

<sup>21</sup> H. P. Fairchild: Immigration, pp. 41-42.

<sup>22</sup> Proceedings, National Conference Charities and Corrections, 1912, pp. 239-248.



The CHAIRMAN. A letter has been received from the Secretary of Labor, addressed to the chairman of this committee, including the draft of a bill to regulate immigration, and it is provided with amendments.

In the letter he said:

In the proposed legislation, no attempt has been made nor is it intended to suggest to the Congress the policy to be pursued in adopting restrictive measures. The proposal as submitted may be readily adapted to any legislation, restrictive or otherwise, that may be agreed upon, as in the main it seeks to provide a practicable plan for the administration of the immigration laws. Amendments to the act of February 5, 1917, have been suggested where experience has demonstrated the need for such amendment, etc.

Looking over the inclosure, I find the first section reads: "That this act may be cited as the selective immigration act of 1924," which is the title given to the bill under consideration, H. R. 101, and that sections 2, 3, and other sections are largely the same as the sections in the bill prepared by the committee last spring, which bill is the base for 101, and Judge Raker's 5, and Judge Sabath's bill 561, and Representative Watkins's bill, and others. I think, however, for the use of those who desire to study the whole proposition, that the Secretary's letter and the draft of the bill might well go on the record, if there is no objection. There is a copy here available. Without objection that will be put in the record.

(The papers referred to are as follows:)

LETTER OF THE SECRETARY OF LABOR TO THE CHAIRMAN OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION OF THE HOUSE OF REPRESENTATIVES TRANSMITTING SUGGESTIONS IN CONNECTION WITH PENDING IMMIGRATION LEGISLATION.

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, December 31, 1923

HON. ALBERT JOHNSON,  
*Chairman Committee on Immigration and Naturalization,  
House of Representatives.*

DEAR SIR: There is submitted herewith, for the consideration of your committee, a draft of a bill containing certain suggestions deemed material in connection with pending legislation on the subject of immigration.

In the proposed legislation no attempt has been made, nor is it intended, to suggest to the Congress the policy to be pursued in adopting restrictive measures. The proposal as submitted may be readily adapted to any legislation, restrictive or otherwise, that may be agreed upon, as, in the main, it seeks to provide a practicable plan for the administration of the immigration laws. Amendments to the act of February 5, 1917, have been suggested where experience has demonstrated the need for such amendment.

It will be observed at the outset that whatever fuller restriction is adopted that restriction will apply to all countries, thus marking a radical departure from existing laws or pending legislation, which eliminate Canada, Mexico, and South and Central America from the operation of the quota limitations.

Another change equally as important from an administrative standpoint is the distribution of the annual quota allotment over the entire period of 12 months. No more immigration certificates than one-twelfth of the annual quota may be issued in any calendar month. Under this provision the quota of any nationality can not be exhausted as at present, but will be continuing throughout the year and the years to follow.

A consular officer is allotted so many immigration certificates for any given month. When these are all issued the immigrant must make application in the following month, and so on throughout the year. When in possession of an immigration certificate the immigrant is at liberty to depart for the United States at any time within a year after the date the certificate is issued without, on the one hand, interrupting steamship schedules, and on the other without congesting the ports of arrival. Unseemly racing for position will be eliminated, as the

immigrant's admission is no longer contingent upon the time of his arrival in the United States, and a more careful examination and inspection at the ports, with less inconvenience to the immigrant, will result.

The selective features of the bill are worked out through the provisions giving preference to certain classes in the issuance of immigration certificates. Having in mind the desirability of reuniting families, it is provided that the husbands, wives, and minor children of alien residents who have declared their intention to become citizens shall have the first preference in the issuance of immigration certificates. Then follows, in the order named, immigrants who served in the military and naval forces of the United States during the World War; ministers of any religious denomination; professors, or members of recognized learned professions; skilled laborers; all other laborers, including domestic servants; and finally all other immigrants.

Thus it will be seen that Congress having once determined the number of immigrants that shall come to the United States in any one year, a method is provided for the proper selection of the best of those applying by requiring, in the first place, that the immigrant seeking admission to this country make application to an American consular officer for an immigration certificate. This application will of necessity set forth the family history and personal record of the alien, and, supplemented by such investigation as the consular officer shall make, will afford such information concerning the immigrant as will enable the officer to determine whether the applicant is a desirable or an undesirable immigrant. Upon arrival at our port the immigrant is subjected to the usual inspection and medical examination, and if found to meet the mental, moral, and physical standards required by our immigration laws is admitted; otherwise he is excluded and returned to the country whence he came.

By the means of special immigration certificate demands for labor of all kinds, skilled and unskilled, including farm labor, are met, and such labor made readily available, regardless of quota limitations and restrictions upon allocation to the Secretary of Labor, while, on the other hand, by the provisions of another section immigration may be suspended in whole or in part from all or any designated country when unemployment in the United States is so widespread as to justify such action.

It will be observed that the term "nonquota" is nowhere used in the proposed legislation, and that the corresponding provision authorizing the issuance of a special immigration certificate is limited in its application to but two classes, namely, (1) husband, wife, minor child, dependent father or mother of a citizen of the United States, and (2) farmers and skilled or unskilled laborers when labor of like kind unemployed can not be found in the United States. In either case the special immigration certificate can be had only upon application to the Secretary of Labor, and then in the case of laborers only, when a strike or lockout does not exist or impend in the industry seeking to import such labor.

Provision is also made to satisfy the periodical demands for laborers from Canada and Mexico by classing such laborers as nonimmigrant when authorized by the Secretary of Labor to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place.

In the cases referred to it is hoped to satisfy the legitimate demands for labor without destroying the restrictive features of any law that may finally be enacted. It is believed that the discretion vested in the Secretary of Labor will be exercised only when that official is satisfied that there is a real and pressing necessity for the particular labor sought. Furthermore, under this authority a most beneficial distribution of immigrants will take place, and the Secretary of Labor will be able in a most helpful way to cooperate with the various States in supplying immigrants to develop resources, establish industries, and bring about colonization.

#### DEFINITION OF IMMIGRANT.

In the definition of an immigrant it has been sought to except only such classes as are nonimmigrants. Therefore, in addition to the classes commonly understood to be nonimmigrants, such as Government officials, transits, and visitors, exception has been made in favor of aliens lawfully admitted to the United States and returning from a temporary visit abroad; bona fide students, seeking to enter for the purpose of study at an accredited college; bona fide alien seamen seeking to land in pursuit of their calling; aliens who, having resided continuously for at least five years in foreign contiguous territory, are authorized to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place; and aliens habitually crossing and recrossing boundary

lines between the United States and foreign contiguous territory upon legitimate pursuits.

Nonimmigrants are not required to obtain an immigration certificate and are not subject to the quota limitations and restrictions.

#### MAINTENANCE OF EXEMPT STATUS.

To insure that a nonimmigrant will maintain the status under which he was permitted to enter the United States and to guarantee his departure within the time specified, the Secretary of Labor is required to promulgate such rules and regulations as will protect the United States, and he may exact a bond with sufficient surety conditioned that such status will be maintained and that the alien will depart within the time mentioned. Alien seamen are not subject to the provisions of this particular section. Provision is made in a following section for the landing and identification of seamen which it is believed will on the one hand prevent the landing of the excluded races and the mentally and physically unfit and on the other prevent the evasion of our laws by those permitted to land temporarily in pursuit of their calling or to reship foreign.

#### PASSPORTS.

It has been deemed advisable, in view of the provision for the issuance of an immigration certificate, to dispense with passports or other instruments in the nature of passports issued by foreign governments in so far as immigrants are concerned.

#### IMMIGRATION CERTIFICATES.

Passports or other instruments in the nature of passports issued by foreign governments not being required of immigrants, therefore a visé is no longer necessary, but a consular officer is authorized to issue an immigration certificate when in his opinion the immigrant is admissible to the United States. The immigrant may ascertain the essential fact of his admissibility in advance, and is not, as under the present law, put to the expense of obtaining a passport and visé when not reasonably assured of admission to the United States. The immigration certificate is very properly substituted for the visé and is based on a more thorough knowledge of the immigrant, and, furthermore, is in keeping with the power of the United States to determine in the first instance who shall and who shall not come to this country as an immigrant. The question whether the immigrant must have a passport before being permitted to leave the homeland is one strictly between him and his government.

The immigration certificate is valid for one year after the date of issue, but is not a guaranty that the immigrant will be admitted to the United States. Upon its surrender at the port of inspection the immigrant is given a certificate of arrival, which may later be used in naturalization proceedings. A fee of \$10 is charged for the issuance of an immigration certificate, because the immigrant is no longer required to pay the visé fee.

#### APPLICATION FOR IMMIGRATION CERTIFICATE.

The application for an immigration certificate must be in writing and be properly verified. It will be in the form of a questionnaire designed to elicit such information as will enable the American consular officer to determine the admissibility of the applicant. No fee is charged for the issuance or verification of the application.

#### SPECIAL IMMIGRATION CERTIFICATE.

The special immigration certificate is issued by the consular officer without regard to quota limitations when authorized by the Secretary of Labor. Such authority is granted upon the verified petition of a citizen of the United States after hearing and investigation, and then only in case of the immediate relatives of such citizens, or of farmers and skilled or unskilled laborers, when labor of like kind unemployed can not be found in the United States. The issuance of the certificate is further restricted by the provision with respect to laborers—that it must satisfactorily appear to the Secretary that a strike or lockout does not exist or impend in the particular industry seeking to import such labor. The special immigration certificate is valid for the period therein specified not ex-

ceeding six months from the date of issue and is to be surrendered upon arrival in the United States in exchange for a certificate of arrival.

No passport is required of the holder of a special immigration certificate, but a fee of \$10 is charged therefor.

#### DUTIES OF IMMIGRATION OFFICIALS.

Under the provisions of section 23 of the act of February 5, 1917, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of that act, detail immigration officers for service in foreign countries, and, upon his request, approved by the Secretary, the Secretary of the Treasury may likewise detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with the enforcement of the act.

The legislation proposed requires a consular officer to perform certain duties in connection with its enforcement. Assuming that in the very near future immigration and medical officials will be stationed abroad, the duties conferred upon consular officers are to be performed by the immigration officials when detailed to or stationed in foreign countries under the provisions of the act of February 5, 1917, just referred to. This section is made necessary so far as the Dominion of Canada is concerned for the reason that immigration officials are now stationed in that country for the enforcement of our immigration laws.

#### NATIONALITY AND PERCENTAGE LIMITATION.

The sections of the proposed bill relating to nationality and percentage limitations are incomplete in that the census year to be considered and the percentage limitations to be employed in arriving at the annual quota for any nationality are left blank. This was not an oversight, but was purposely done to carry out the intention expressed in the beginning, not to suggest to the Congress the policy to be pursued in adopting restrictive measures.

Attention is called to that proviso of section 10 dealing with nationality which requires that the nationality of a wife or minor child shall be determined by the country of birth of the husband or parent as the case may be, if the husband or parent is entitled to an immigration certificate. This provision assigns the nationality to where it properly belongs and will put an end to the hardship and delay resulting from the application of different quota limitations to the members of the same family traveling together.

Subdivision (b) of section 11, in fixing a monthly limit upon the issuance of immigration certificates, provides that in each of the 12 calendar months of any fiscal year no more immigration certificates than one-twelfth of the annual quota shall be issued, and where the annual quota of any nationality is less than 600 the Commissioner General, with the approval of the Secretary, is authorized to determine the number to be issued in any one month. This feature of the bill will establish a continuing quota, lessen to some extent the labor of the consular officers, and enable them to devote the time necessary for a careful investigation of each application. When considered in connection with the provision making an immigration certificate valid for one year, it must be obvious that the continuing monthly quota provided for is for the best interest of all concerned—immigrants, steamships, and officers at the ports of arrival.

#### UNUSED IMMIGRATION CERTIFICATES.

This section provides in substance that an immigration certificate once issued can not be returned or canceled. When issued it is immediately charged against the quota and that charge stands regardless of the disposition made of the certificate by the immigrant.

#### EXCLUSION FROM THE UNITED STATES.

It is provided in this section of the proposed legislation that no immigrant shall be admitted to the United States unless he has an unexpired immigration certificate or an unexpired special immigration certificate or was born subsequent to the issuance of such a certificate to the accompanying parent. This provision is made necessary in order to carry out the scheme of selection abroad as herein proposed.

Subdivision (b) of the section under consideration establishes a definite policy and refuses admission to any immigrant who is not eligible to citizenship.

#### PERMIT TO REENTER THE UNITED STATES.

An alien lawfully admitted to the United States and desiring to make a temporary visit abroad may upon proper application obtain a permit which will entitle him upon his return to be admitted to the United States regardless of quota limitations or restrictions. When in possession of such a permit the alien is classed as a nonimmigrant and is not required to obtain an immigration certificate. The permit is valuable from an administrative standpoint because it is documentary evidence of the claim that alien is returning from a temporary stay abroad, and to that extent will lessen fraud and perjury.

It has been deemed proper to charge a fee of \$5 for the issuance of the permit.

#### SUSPENSION OF IMMIGRATION.

The necessity for this section becomes apparent when it is recalled that but a short time ago millions of men were without employment in the United States, and that, notwithstanding the situation which then existed, thousands of immigrants were permitted to land upon our shores and join the great army of idle workers. In the light of that experience it is submitted that some provision should be made for the suspension of immigration during periods of widespread industrial depression.

#### CERTIFICATES OF ARRIVAL.

Every immigrant, upon his admission to the United States, is given a certificate of arrival, and this certificate may be subsequently used in naturalization proceedings.

#### ALIEN SEAMEN.

In drafting the sections regulating the landing of alien seamen, care was taken not to interfere with the operation of the seamen's act, and it is believed that the proposal submitted will so regulate the landing of such seamen as to prevent to a much greater extent than is now possible evasions and violations of the immigration laws.

Subdivision (a) of section 18 is directed against the excluded races and such other aliens as are excluded by section 3 of the immigration act of 1917, and is intended as a substitute for section 32 of the existing law which is repealed. Under this section an oriental, for instance, is not permitted to land in pursuit of his calling or to reshipe foreign, except under such conditions, including the giving of a bond, as may be prescribed.

Section 19 and its various subdivisions require that a landing card, furnished at the expense of the vessel, be delivered to all alien seamen employed on the vessel who were not shipped or engaged in the United States. This card will contain pertinent information concerning the alien, and is what its name implies—a card authorizing the seaman to land in the United States either in pursuit of his calling or to reshipe foreign when properly indorsed by an immigration officer. No bond is required of the seaman in such cases.

Under this procedure the seaman is entitled to remain in the United States for a period not exceeding 30 days, and when he departs the card must be surrendered to the master of the vessel by which he leaves the United States.

Sections 33 and 34 of the existing law are repealed, except that as to violations of section 34 existing at the time of the taking effect of the proposed act the section is continued in force and effect.

Section 20 of the proposed legislation makes it obligatory upon the vessel to detain all seamen on board until they have been inspected by an immigration official, failure to do which incurs a penalty of \$1,000 for each seaman with respect to whom the failure occurs.

Section 21 changes the existing practice as outlined in section 34 of the act of February 5, 1917, and when a seaman is apprehended because he lands contrary to the provisions of the act, or because he is not in possession of an unexpired landing card, or for being found in the United States more than 30 days after being permitted to land temporarily, he may be deported in accordance with the provisions of section 20 of the act of February 5, 1917. There is no limita-

tion as to time, and it will no longer be necessary to have a board of special inquiry deal with his case.

Section 22 recognizes that in the nature of their calling alien seamen can not always make regular application before a consular officer for an immigration certificate, and provision is therefore made for applications for admission by alien seamen upon arrival in the United States. If after examination and inspection the seaman is regularly admitted, he is chargeable to the quota for the nationality to which he belongs, and the Secretary is required to reduce that quota by one.

#### PENAL PROVISIONS.

It is believed that the various penal provisions of the proposed legislation will to a considerable extent prevent fraud and evasions and otherwise make possible a satisfactory administration of the law.

#### AMENDMENTS TO IMMIGRATION ACT OF 1917.

The amendments to the act of February 5, 1917, are found in section 28 of the proposed legislation and are intended in the main to make clear the meaning of such act, and in one or two instances to supply provisions that are necessary and which were obviously overlooked by the framers.

It is proposed to amend the proviso to section 24 by giving the Secretary more latitude in the employment and detail of individuals under that section. Because of the provisions of section 4 of the act of August 5, 1882 (22 Stat. L. 219, 255), the number of employees that may be stationed in the District has been limited by specific appropriation to but two, and, owing to the enormous increase in volume of the work handled by the department even under existing law, it is necessary that this limitation be removed if a high standard of efficiency is to be maintained.

The provisions of the proposed legislation for the importation of all kinds of labor, not only from Canada and Mexico but from trans-Atlantic countries, if enacted into law, will necessitate a greatly increased force of officials and investigators to properly administer that feature alone, and affords an additional reason for favorable action upon the proposed amendment at this time.

The proviso has been further amended by increasing the amount which the Secretary is permitted to withdraw from the appropriation from \$100,000 to \$200,000. This amendment will not result in an increased appropriation, and will not only enable the Secretary to provide for the necessary increase in the forces stationed in Washington but will make it possible to detail immigration officials for service in foreign countries as originally contemplated by section 23 of the act of February 5, 1917.

Permit me to repeat that the effort in the proposed legislation has been to suggest improvements from the administrative point only. I have studiously sought to avoid any suggestions as to the broad policies dealing with the subject of immigration, which, of course, being wholly and exclusively to Congress, and with which an administrative officer has no concern. I, of course, am familiar with the policies of Congress so far as they have been expressed in laws now in force, and am also endeavoring to meet the apparent policy of Congress as expressed by a number of bills introduced during the present session by Members of both Houses, particularly those introduced by members of the Committee on Immigration of both Houses.

After securing the suggestions and advice of many people who handle the administrative work in connection with immigration, and after giving most careful study to the whole subject, I feel that the suggested draft will overcome to a great extent the unexpected hardships that have resulted from some past legislation and will serve greatly to do away with the heartbreaking experiences that have befallen many aliens, and will largely overcome the difficulties met by administrative officers in endeavoring to reconcile conflicts in the law which have developed in the past.

My only purpose in submitting this proposed legislation is to be helpful to the Members of Congress and of your committee. If there is any other way in which I or any member of my staff can be of assistance to your committee, please feel free to call upon me for that service.

Very sincerely yours,

JAMES J. DAVIS.

**A BILL** To limit the immigration of aliens into the United States and to provide a system of selection in connection therewith, and for other purposes.

(Proposed by the Secretary of Labor.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Selective immigration act of 1924."*

#### DEFINITION OF IMMIGRANT.

SEC. 2. When used in this act the term "immigrant" includes all aliens departing from any place outside the United States destined for the United States, except (1) a Government official, his family, attendants, servants, and employees; (2) an alien visiting the United States as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) an alien lawfully admitted to the United States to whom a permit has been issued as provided in section 14 and who is returning within the time therein specified from a temporary visit abroad; (6) an alien who is a bona fide student over eighteen years of age seeking to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university particularly designated by him and approved by the Secretary; (7) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States in pursuit of his calling; (8) an alien who has resided continuously for at least five years immediately preceding the time of his application for admission to the United States in foreign contiguous territory and who, upon application to the Secretary, is authorized to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place; and (9) aliens habitually crossing and recrossing boundary lines between the United States and foreign contiguous territory upon legitimate pursuits when in possession of an identification card issued by an immigration official pursuant to such regulations as may be prescribed.

#### MAINTENANCE OF EXEMPT STATUS.

SEC. 3. (a) The admission to the United States of an alien excepted from the class of the immigrants by clause (2), (3), (4), (6), (8), and (9) of section 2 shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary, the giving of bond with sufficient surety in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

#### PASSPORT NOT REQUIRED.

SEC. 4. A passport or other instrument in the nature of a passport issued by any foreign government shall not be required of an immigrant (as defined in sec. 2) for any purpose under the immigration laws.

#### IMMIGRATION CERTIFICATE.

SEC. 5. (a) A consular officer, when in his opinion an immigrant (as defined in sec. 2) is admissible to the United States under the immigration laws, shall upon the application of such immigrant issue to him an immigration certificate, which shall be in such form and contain such information concerning such immigrant, including his thumb print, as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and naturalization laws.

(b) The immigrant shall furnish two copies of his photograph to the consular officer, one of which shall be permanently attached by the consular officer to the immigration certificate, and the other of which shall be attached to the certificate in such manner that it can be removed by the immigration officer at the port of inspection and attached to the certificate of arrival.

(c) An immigration certificate shall be valid for one year after the date issued.

(d) The immigrant shall surrender his immigration certificate to the immigration officer at the port of inspection, who shall make such notation thereon and

such disposition thereof as shall by regulations be prescribed. Such immigration officer may require to be placed on each immigration certificate the thumb print of the immigrant.

(e) A fee of \$10 shall be charged for the issuance of each immigration certificate.

#### PREFERENCES.

SEC. 6. In the issuance of immigration certificates preference shall be given in the following order to (1) husband, wife, and unmarried children under 18 years of age of an alien (a) who has been legally admitted to the United States, (b) has resided in the United States continuously for at least two years immediately preceding the time of the application for an immigration certificate, and (c) has at least one year prior to such time declared his intention in the manner provided by law to become a citizen of the United States; (2) immigrant who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, inclusive, and was not discharged therefrom under dishonorable conditions; (3) ministers of any religious denomination, or professors of a college or seminary, or members of any recognized learned profession when it shall appear that continuously for at least four years prior to the time of the application for admission to the United States the applicant has been engaged in and seeks to enter the United States solely for the purpose of carrying on such vocation; (4) skilled laborers; (5) all other laborers, including domestic servants; and (6) all other immigrants.

#### APPLICATION FOR IMMIGRATION CERTIFICATE.

SEC. 7. (a) Every immigrant applying for an immigration certificate shall make a verified application therefor in writing, and in such form and containing such information as the Secretary shall, by regulations, prescribe as necessary to the proper enforcement of the immigration laws and naturalization laws.

(b) In the case of an immigrant under 16 years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(c) No fee shall be charged for the furnishing or verification of an application.

#### SPECIAL IMMIGRATION CERTIFICATE.

SEC. 8. (a) The secretary may upon the verified petition of a citizen of the United States authorize and require a consular officer to issue a special immigration certificate to any immigrant otherwise admissible who is (1) the husband, wife, unmarried child under 18 years of age, dependent father or mother of such citizen, or who is (2) a farmer, a skilled or unskilled laborer, and his wife and unmarried children under 18 years of age accompanying him, regardless of the quota limitations and restrictions provided for in this act, when it shall satisfactorily appear to the Secretary, after full hearing and investigation, that the facts stated in such petition are true; and where the petition is filed in behalf of a skilled or unskilled laborer that labor of the like kind unemployed can not be found in the United States, and that a strike or lockout does not exist or impend in the particular industry seeking to import such skilled or unskilled labor.

(b) The petition shall be in such form and supported by such evidence, documentary or otherwise, as may by regulations be prescribed, and, in case of an emigrant who is the husband, wife, unmarried child under 18 years of age, dependent father or mother of a citizen of the United States, shall have attached thereto a photograph of the immigrant in whose behalf filed. Application for a special immigration certificate may be made in the same petition for more than one individual.

(c) The special immigration certificate shall be in such form and contain such information concerning the immigrant, including his thumb print, as shall by regulations be prescribed, and shall be valid for the period therein specified not exceeding six months after the date of issuance. The immigrant shall furnish two copies of his photograph to the consular officer, one to be permanently attached to the special immigration certificate, the other to be attached to the certificate of arrival by an immigration official at the port of inspection. The special immigration certificate shall be surrendered to the immigration officer at the port of inspection who shall make such notation thereon and such disposition thereof as shall by regulations be prescribed.

(d) A fee of \$10 shall be collected by the consular officer for the issuance of a special immigration certificate.



## DUTIES OF IMMIGRATION OFFICIALS.

SEC. 9. The duties imposed upon American consular officers by this act shall be performed by immigration officers whenever detailed to or stationed in foreign countries for such purpose.

## NATIONALITY.

SEC. 10. (a) For the purposes of this act, nationality shall be determined by the country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of ———; *Provided*, That the nationality of a wife or of a minor child not born in the United States accompanied by the alien husband or parent, respectively, shall be determined by the country of birth of such husband or parent, as the case may be, if such husband or parent is entitled to an immigration certificate.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in the United States as determined by the United States census of ———; which statement shall be the population basis for the purposes of this act. In case of changes in political boundaries in foreign countries occurring subsequent to ——— and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of individuals resident in the United States in ——— who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such changes of political boundary. For the purpose of such revision and for the purposes of this act generally, aliens born in the area included in any such new country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

## PERCENTAGE LIMITATIONS.

SEC. 11. (a) When used in this act the term "quota" when used in reference to any nationality means ———, and in addition thereto ——— per centum of the number of foreign-born individuals of such nationality resident in the United States as determined by the census of ———.

(b) There shall be issued to immigrants of any nationality (1) no more immigration certificates in any fiscal year than the quota for such nationality, and (2) in each of the twelve calendar months of any fiscal year no more immigration certificates than one-twelfth of the quota for such nationality, except that if such quota is less than six hundred the number to be issued in each calendar month shall be prescribed by the commissioner general with the approval of the Secretary, but shall not be in excess of the quota for such nationality, nor less than one-twelfth of the quota.

## UNUSED IMMIGRATION CERTIFICATES.

SEC. 12. An immigration certificate, in addition to the number provided in section 11, may not be issued to an immigrant of any nationality, even though an immigrant of such nationality having an immigration certificate is excluded from admission to the United States under the immigration laws and deported or does not apply for admission to the United States before the expiration of the validity of the certificate, or even though an alien of such nationality having an immigration certificate issued to him as an immigrant is found not to be an immigrant.

## EXCLUSION FROM UNITED STATES.

SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration certificate or an unexpired special immigration certificate or was born subsequent to the issuance of the unexpired immigration certificate or special immigration certificate of the accompanying

parent, (2) is of the nationality specified in such immigration certificate, and (3) is otherwise admissible under the immigration laws.

(b) An immigrant not eligible to citizenship shall not be admitted to the United States.

#### PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE.

SEC. 14. (a) Any alien about to depart temporarily from the United States may make application to the commissioner general for a permit to reenter the United States, stating the length of his intended absence and the reason therefor. Such application shall be made under oath and shall be in such form and contain such information as may be by regulations prescribed and shall be accompanied by two copies of the applicant's photograph.

(b) If the commissioner general finds that the alien has been permanently admitted to the United States and that the application is made in good faith, he shall, with the approval of the Secretary, issue the permit, specifying therein the length of time, not exceeding six months, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued.

(c) On good cause shown the validity of the permit may be extended for such period or periods and under such conditions as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$5, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

#### SUSPENSION OF IMMIGRATION.

SEC. 15. (a) Whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or in any specified territory or insular possession thereof to such an extent as in their opinion immigration thereto should be suspended in whole or in part from all or certain designated foreign countries, the President of the United States shall by proclamation suspend immigration for the time, in the manner and to the extent set forth in such certificate, and during such time immigration certificates shall not be issued to any immigrant who is a national of any country designated in such proclamation; nor shall such immigrant be permitted to enter the continental United States or such specified territory or insular possession thereof.

#### DEPORTATION.

SEC. 16. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

#### CERTIFICATES OF ARRIVAL.

SEC. 17. Every immigrant at the time of his admission to the United States shall be given a certificate of arrival, issued in such form and containing such information concerning the immigrant, including his fingerprints, as shall be prescribed by the Secretary as necessary to the enforcement of the immigration laws and naturalization laws. The certificate shall have permanently attached thereto the photograph of the immigrant provided for in sections 5 and 8. Such certificate of arrival, if it specifies that the immigrant has been permanently admitted to the United States, may, under regulations prescribed by the Secretary, be used by the immigrant in lieu of the certificate required to be filed with his petition for naturalization by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a

Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

#### ALIEN SEAMEN.

SEC. 18. (a) No alien seaman ineligible to citizenship in the United States or excluded from regular admission into the United States under the Immigration act of 1917 and employed on board any vessel arriving in the United States from any place outside thereof shall be permitted to land in the United States except temporarily for medical treatment or pursuant to such regulations and conditions, including the giving of bond with sufficient surety, as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

(b) Section 32 of the Immigration act of 1917 is repealed.

SEC. 19. (a) Upon the arrival after June 30, 1924, of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the principal immigration officer in charge at the port of arrival, in respect to each alien seaman employed on such vessel who was not shipped or engaged on such vessel at a port of the United States, a landing card in duplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination is found eligible to citizenship in the United States and entitled to be regularly admitted into the United States under the Immigration act of 1917, he shall be permitted to land temporarily in pursuance of his calling, or for the purpose of reshipping on board any other vessel bound to a foreign port or place, and the immigration officer shall thereupon cause a fingerprint of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time not exceeding thirty days during which the landing card shall be valid. Upon the landing of the alien one copy of the landing card shall be delivered to him, and the other transmitted forthwith to the Department of Labor under regulations prescribed under this act.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(e) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the custom district in which the port of arrival is located the sum of \$500 for each alien in respect to whom the violation occurs; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(f) Sections 33 and 34 of the Immigration act of 1917 are hereby repealed, except as to violations of said section 34 existing at the time of the taking effect of this act; such section is hereby continued in force and effect.

SEC. 20. The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who shall fail or refuse to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman and delivered to him a landing card, or who shall fail or refuse to detain such seaman on board after such inspection or to deport such alien seaman if required by such immigration officer or the Secretary to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each alien seaman in respect to whom such failure occurs, and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such penalty, or while the penalty remains unpaid, provided that clearance may be granted prior

to the determination of such question upon the deposit of a sum sufficient to cover such penalty.

Sec. 21. Any alien seaman who shall land in a port of the United States contrary to the provisions of this act, or who is not in possession of an unexpired landing card, or who is found in the United States more than thirty days after being permitted to land temporarily in pursuit of his calling, or for the purpose of reshipping on board any other vessel bound to a foreign port or place shall at any time thereafter, upon the warrant of the Secretary, be taken into custody and deported in accordance with section 20 of the immigration act of 1917 at the expense of the owner, charterer, agent, or consignee of the vessel by which such alien was brought to the United States, or if that is not practicable, at the expense of the appropriation for the enforcement of the immigration laws.

Sec. 22. Any bona fide alien seaman eligible to citizenship in the United States, and employed on board any vessel arriving in the United States from any place outside thereof, may make application for regular admission to the United States, and if upon examination and inspection he is found otherwise admissible, he shall be admitted notwithstanding an immigration certificate has not been issued to him. The immigration officer admitting such alien seaman shall issue to him a certificate of arrival as provided in section 17 and shall forthwith notify the Secretary, who shall reduce by one the quota allotted to the nationality to which such seaman belongs.

#### PREPARATION OF DOCUMENTS.

Sec. 23. Immigration certificates, special immigration certificates, certificates of arrival, and permits issued under section 14, shall be printed on distinctive safety paper, and shall be prepared and issued under regulations prescribed under this act. The list or manifests required by sections 12 and 36 of the immigration act of 1917 shall be furnished at the expense of the owner, agent, consignee, charterer, or master of the vessel, and shall be typewritten or printed on such quality of paper and in such form as shall by regulations be prescribed.

#### PENALTY FOR ILLEGAL TRANSPORTATION.

Sec. 24. (a) It shall be unlawful for any persons, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (1) any immigrant who does not have an unexpired immigration certificate, or (2) any immigrant who does not have an unexpired special immigration certificate.

(b) If it appears to the satisfaction of the Secretary that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated on his ticket, to the port of arrival, such later sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(c) Such fine shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence that the individual transported was an immigrant.

#### OFFENSES IN CONNECTION WITH DOCUMENTS.

Sec. 25. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration certificate, special immigration certificate, certificate of arrival, landing card, or permit, or (2) uses, attempts to use, possess, obtains, accepts, or receives any immigration certificate, special immigration

certificate, certificate of arrival, landing card, or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary or other proper officer, knowingly (3) possesses any blank immigration certificate, special immigration certificate, certificate of arrival, or permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of immigration certificates, special immigration certificates, certificates of arrival, landing cards, or permits, (5) makes any print, photograph, or impression in the likeness of any immigration certificate, special immigration certificate, certificate of arrival, landing card, or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary for the printing of immigration certificates, special immigration certificates, certificates of arrival, landing cards, or permits, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(b) Any individual who (1) when applying for an immigration certificate, special immigration certificate, or permit, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, special immigration certificate, certificate of arrival, landing card, or permit, to any person not authorized by law to receive such document, shall upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both.

#### RULES AND REGULATIONS.

SEC. 26. The commissioner general, with the approval of the Secretary, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be subject to the approval of the Secretary of State.

#### ACT TO BE IN ADDITION TO IMMIGRATION LAWS.

SEC. 27. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws and shall be enforced as a part of such laws, and all the penal or other provisions of such laws not inapplicable shall apply to and be enforced in connection with the provisions of this act.

#### AMENDMENTS TO IMMIGRATION ACT OF 1917.

SEC. 28. That the immigration act of 1917 be amended as follows:

(a) Section 1, by inserting after the words "insular possessions" in the second clause of the second sentence of said section the words "or insular territory," so that such clause will read, "but if any alien shall leave the Canal Zone, or any insular possession or insular territory of the United States, and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens."

(b) Section 2, by inserting after the word "territory" in the fourth sentence of said section the following clause: "nor on account of an alien to whom a permit has been issued as provided in section 14 of this act and who is returning within the time therein specified from a temporary visit abroad."

(c) Section 3, by adding at the end of said section the following: "or concealed or harbored, or attempted to be concealed or harbored, and any air or land vehicle, or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned or employed in such violation shall be seized and forfeited to the United States, and on an order duly issued by the court having jurisdiction thereof said air or land vehicle or vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, shall be sold at public auction, the proceeds to be covered into the Treasury and credited to the appropriation 'expenses of regulating immigration.'"

(d) Section 9, by adding after the third sentence of said section a new sentence to read as follows: "If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another

alien who is excluded from admission shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure, indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported," and by striking out the last proviso to said section and inserting in lieu thereof a proviso reading as follows: "That the provisions of this section shall not apply to the case of any alien granted admission on appeal or for a temporary period."

(e) Section 17 by inserting next after the word "twenty-one" in the proviso of said section a clause reading as follows: "and the seventh proviso of section 3."

(f) Section 19, by inserting after the words "insular possession" in the fourth proviso to said section the words "or insular territory."

(g) Section 24, by inserting after the words "civil service act" in the first proviso of said section the following: "or to section 4 of the act of August 5, 1882 (22 Stat. L., pp. 219, 255)," and by striking out the figures "100,000" wherever they appear in said proviso to said section and inserting in lieu thereof the figures "200,000," so that said proviso will read as follows: "Provided, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purpose and for detail upon additional service under this act when not so engaged, without reference to the provisions of said civil service act, or to section 4 of the act of August 5, 1882 (22 Stat. L., pp. 219, 255), or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$200,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government."

#### GENERAL DEFINITIONS.

SEC. 29. (a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands.

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States.

(c) The term "eligible to citizenship," when used in reference to any individual, does not include an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections.

(d) The term "immigration certificate" and "special immigration certificate" means a certificate issued by a consular officer under the provisions of this act.

(e) The term "consul officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration certificates or special immigration certificates under this act. In case of the Canal Zone or the insular possessions or insular territory of the United States the term "consular officer" means an immigration official therein stationed, or an officer designated by the President for the purpose of issuing immigration certificates or special immigration certificates under this act.

(f) The term "immigration act of 1917" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

(g) The term "immigration laws" includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

(h) The term "person" includes individuals, partnerships, corporations, and associations.

(i) The term "Secretary" means the Secretary of Labor.

(j) The term "commissioner general" means the Commissioner General of Immigration.

(k) The term "application for admission" has reference to the time of the application for admission to the United States and not to the time of the application for the issuance of the immigration certificate.

(l) The term "permit" means a permit issued under section 14.

(m) The term "landing card" means a landing card issued under section 10.

(n) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

Sec. 28. Time of taking effect.

(a) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, and 24 shall take effect on July 1, 1924.

(b) The remainder of this act shall take effect upon its enactment.

The CHAIRMAN. The American Defense Society, through its assistant chairman, sends four pages of suggested amendments to 101. I see no reason why they should not be printed.

Mr. SABATH. What society?

The CHAIRMAN. The American Defense Society of New York.

Mr. CABLE. Is that an immigration society?

Mr. SABATH. I think it is; yes, sir.

Mr. DICKSTEIN. They will send letters to everybody.

Mr. BOX. They are a body of very estimable people.

The CHAIRMAN. A large number of these officers of the organization have asked to be heard by the committee. The experience of the chairman of the committee is if they are invited and expect to speak for 20 minutes we will keep them here for an hour, and wherever possible I have made the suggestion if they had proposed amendments, changes in any legislation, that they send it in in writing. Having made that suggestion from time to time, I think when they come in their suggestions are entitled to consideration.

Mr. BOX. I move that that be put in the hearing.

(The question was duly put and unanimously carried.)

(The papers referred to are as follows:)

New York, January 3, 1924.

Hon. ALBERT JOHNSON,

*Chairman Committee on Immigration and Naturalization,*

*House of Representatives.*

DEAR SIR: We inclose herewith a copy of the proposed amendments to H. R. 101, which we inclosed in our letter to you of December 31, 1923, because of the fact that certain minute typographical errors were discovered in the original, which we beg to note specifically here as follows:

On page 2, under the second suggestion, next to the last line of paragraph 1, the word "residing" should read "resided," and six lines below, the numeral "24" should read "23." We have also substituted the word "fingerprints" for "thumb print," occurring under the fourth suggestion on page 3, and also occurring in the next to the last line of the sixth suggestion on page 4.

The reason for this change is that we are advised that to get an absolute identification fingerprints are necessary, the thumb print being no longer considered sufficient.

In the inclosed copy the changes referred to have been made and are indicated by checking marks in the margin.

Very respectfully yours,

THE AMERICAN DEFENSE SOCIETY (Inc.).  
By C. M. PENFIELD,  
*Assistant to the Chairman.*

## PROPOSED AMENDMENTS TO H. R. 101.

**FIRST SUGGESTION—ENLARGEMENT OF SECTION 10 (A), EXCLUDING COUNTRIES OF ASIATIC BARRED ZONE FROM QUOTA COUNTRIES, AND PUTTING MEXICO, CUBA, CENTRAL AND SOUTH AMERICA UNDER QUOTA RESTRICTIONS.**

Page 14, at the beginning, as a new subdivision of section 10, insert in lieu of (a) :

"The number of aliens of any nationality who may be admitted to the United States in any fiscal year shall be limited to 200, and in addition thereto 3 per centum<sup>1</sup> of the foreign-born persons of such nationality resident in the United States as determined by the United States census of 1890: *Provided, however,* That this provision shall not apply to the following:

"1. Aliens from the so-called Asiatic barred zone as described in section 3 of the immigration act.

"2. Aliens ineligible for United States citizenship, except as in this act otherwise expressly provided.

"3. Aliens who have resided continuously for at least seven years immediately preceding the time of their application for admission to the United States in the Dominion of Canada and Newfoundland.

"4. Persons who under the provisions of this act are permitted to enter the United States as nonimmigrants or nonquota immigrants."

Page 5, subdivision (c), line 4, after the word "Newfoundland," strike out the words "the Republic of Mexico." Also strike out line 5, all words, and line 6 strike out the words "or adjacent islands."

**SECOND SUGGESTION—CERTAIN CHANGES IN SECTION 6, RELATING TO THE APPLICATION FOR CERTIFICATES, AND PARTICULARLY REQUIRING THE IMMIGRANT TO PRODUCE HIS BIRTH CERTIFICATE.**

Page 7, section 6, subdivision (b), line 8, strike out the comma after "and" and the words "if different, the," and insert "all other names by which the immigrant has been known." Line 9, strike out all words. Line 10, strike out the word "States." Line 11, strike out the word "from" and insert the word "in"; also strike out the word "comes" and insert the words "last resided for a period exceeding two years." Line 19, after the word "landing," insert "or other place of arrival."

Page 8, line 6, insert before the words "his dossier" the words "and with his application shall submit his birth certificate required by the country of his birth." Line 18, strike out the word "that" and substitute the words "whether or not." Line 23, after the word "any," insert the word "legal."

**THIRD SUGGESTION—TO MAKE CLEAR THAT CONSULAR OFFICER MAY REFUSE CERTIFICATE WHEN ON THE FACE OF HIS APPLICATION OR ACCOMPANYING DOCUMENTS THE IMMIGRANT IS NOT ADMISSIBLE.**

Page 9, line 8, insert new subdivision: "(g) No certificate shall be issued to any immigrant if facts are stated in his application, or in the papers submitted therewith, from which it appears that he is disqualified for admission to the United States under any law of the United States, nor shall such certificate be issued if said application fails in any way to comply with the provisions of this act." Also line 8, change the "(g)" to "(h)." Line 10, change the "(h)" to "(i)."

**FOURTH SUGGESTION—TO ISSUE A COMPLETE DUPLICATE OF THE "CERTIFICATE" TO EACH IMMIGRANT UPON HIS ADMISSION, IN LIEU OF ABBREVIATED "CERTIFICATE OF ARRIVAL."**

Page 2, line 19, strike out the words "certificate of arrival" and insert the words "duplicate certificate to be issued as hereinafter provided."

Page 3, line 14, insert after the word "port" the words "or other place," and in line 15 insert after the word "port" the words "or other place." In line 17, after the word "arrived," insert the words "and a note as to whether the immigrant is permanently admitted to the United States."

<sup>1</sup> It is understood that the committee has already decided to substitute 3 per cent gross quotas for 2 per cent regular quotas and 2 per cent relative quotas, which change is believed to be an improvement. In view of lack of information as to the allowance for relatives inside of the 3 per cent quota, we make no comment on that subject.



On page 3, line 18, after the word "immigrant," strike out the period and insert the words "and shall immediately thereafter cause a complete duplicate of such certificate to be made, and shall cause the duplicate photograph of the immigrant to be removed from the original certificate and permanently attached to the duplicate certificate, upon which the immigrant shall place his fingerprints."

Page 3, line 22, strike out the period and replace same by a comma, and insert the words "and the aforesaid duplicate certificate shall be surrendered to the immigrant. The duplicate certificate if it specifies that the immigrant has been permanently admitted to the United States, may, under regulations prescribed by the Secretary, be used by the immigrant in lieu of the certificate required to be filed with his petition for naturalization by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

Page 24, strike out whole page, and change numbers of following sections.

#### FIFTH SUGGESTION—TO PREVENT ENDLESS CHAIN OF RELATIVES OUTSIDE OF THE QUOTAS.

Page 6, line 10, after the word "who" insert: "(1) who has not himself been admitted as a relative." Line 19, change "(1)" to "(2)." Line 20, change "(2)" to "(3)." Line 23, change "(3)" to "(4)."

Page 10, line 9, after "States," insert the words "not himself admitted as a relative." Line 20, after "States," insert "whether or not he has himself been admitted as a relative."

#### SIXTH SUGGESTION—TO INSERT WORDS OF IDENTIFICATION IN THE "CERTIFICATE."

Page 2, line 3, after the word "race," insert the words "personal description (including height, complexion, color of hair and eyes, and marks of identification)." Line 13, insert after the word "shall" the words "attach his fingerprints to the certificate and shall."

The CHAIRMAN. I have a telegram from New York, dated January 4, and signed by John J. Freschi, who, as a citizen, wants to file a protest against the quota section. The telegram is dated January 4, in which he desires to file a protest against that section. Without objection the telegram will be placed in the record.

Mr. FREE. Do they give arguments; everybody that sends in a telegram.

The CHAIRMAN. This is a very short statement.

Mr. FREE. Suppose every citizen of the United States sends in a telegram.

Mr. DICKSTEIN. At the rate we are going everything should go in the record.

The CHAIRMAN. We placed a report in the record yesterday from one of the Jewish newspapers. These things come before the chairman, and they are for the use of the committee, and petitions filed in Congress, are referred to this committee, all kinds. It has not been the practice to put in more than a few on each side.

Mr. FREE. Would it not be possible to print them as part of the addenda so when we go through the hearings we will get the gist and not a lot of bunk.

The CHAIRMAN. I find, as I say, from time to time, members of the committee will come in and want this or that particular information which has been before the committee. If it is not put in a volume that can be produced, it gets lost in the mess of papers. (The telegram referred to is as follows:)

As a citizen I wish to file my protest against quota section in proposed Johnson exclusion immigration bill pending before your committee on grounds that it is violative of our American traditions, discriminating against Italians

and others, is clearly unjust to a friendly nation which depends upon the emigration in part for its economic stability, a matter of concern to this credited Nation. Italian laborers much needed in American industry. I believe this country not so populated that immigration should be reduced. I favor selective immigration laws, selection to be made consistent with sovereign rights of foreign nations affixed but not exclusion.

JOHN J. FREESCHI.

The CHAIRMAN. In that connection I would like to offer a summary of the work of the Board of Review for November, 1923, showing the number of cases reviewed to be 2,343, and the number of aliens involved 4,010, and then it shows the rejections.

(The papers referred to are as follows:)

*Board of Review Summary for November, 1923.*

Number of cases reviewed and decisions written.....	2,343
Number of aliens involved.....	4,010
Number of oral hearings by the Board.....	585
Number of cases in which attorneys were interested.....	398
Number of cases in which societies, relatives, friends, and interested parties other than Senators, Congressmen, and attorneys were interested.....	837
Number of cases in which the recommendation of the port was not followed in whole or in part.....	519
Total number of Ellis Island cases in the above.....	1,090
Total number of new appeals from all ports.....	1,204
Total number of new appeals from Ellis Island.....	785
Total number of new warrants from Ellis Island.....	560
Total number of new warrants from Ellis Island.....	50

The tabulation below gives an idea of the character of the cases coming before the Board of Review:

Accompanying aliens.....	34
Actors.....	31
Alien contract labor.....	392
Anarchists, communists, I. W. W., etc.....	9
Assisted aliens.....	77
Barred zone.....	5
Children under 16 unaccompanied.....	37
Crimes involving moral turpitude (burglary, felony, forgery, grand larceny, murder, perjury, robbery, smuggling, etc.).....	170
Domestic servants.....	21
Entered within one year of deportation without permission.....	37
Excess quota.....	1,739
Heart trouble.....	26
Hernia.....	23
Idiots, feeble-minded, imbeciles, or mentally deficient, etc.....	32
Illiterates.....	208
Insane.....	88
L. P. O. (aliens arriving without funds).....	480
Nurses.....	2
Orphans.....	6
Physical defectives (deformed, epileptics, nervous affections, paralysis, and senility).....	137
Prostitution, immorality, procurer, etc.....	68
Section 23 (foreign contiguous territory).....	79
Student and student laborers.....	46
Surreptitious entry, stowaways, without inspection and without passport or visa.....	304
T. B., L. O. D., and D. O. D. (favus, leprosy, trachoma, venereal diseases, etc.).....	89
Visitors.....	24
Chinese.....	147
Japanese.....	8

Mr. BOX. In that connection, Mr. Chairman, I have prepared a brief table which will probably cover two pages. It might cover three, covering similar work as shown by the reports of the Immigration Commissioner for the last six years. I ask permission to insert that.

Mr. FREE. I move that it be put in, because he does his work in an intelligent way.

Mr. CABLE. I would like to put in a short statement with reference to the work for the last fiscal year of cases that were denied admission by the Public Health and admitted by the Labor Department.

The CHAIRMAN. Without objection, it will be ordered.

(The papers of Mr. Box and Mr. Cable will be found later in these proceedings.)

Mr. RAKER. Will we be permitted to have these gentlemen before us?

The CHAIRMAN. Yes.

Mr. DICKSTEIN. Do you not think, Mr. Chairman, it is rather unfair for members to get put in the record certain cases pending before the Department of Labor without the real circumstances and facts before us, and let them remain in the record, whereby it would be inferred that he had allowed insane people, etc., to come into the United States without regard to law and order?

Mr. CABLE. I want to put in a statement following the charge showing that the Department of Labor has done that.

Mr. DICKSTEIN. Will you let me put one in, a list of every case deported and rejected by the Department of Labor? If so, I have no objection.

The CHAIRMAN. We have from time to time made extensive inquiries in this matter, and if we had time we might call a certain general and get the figures. It has been the rule of the committee not to use names. I remember at one time we discussed 119 bad cases of minors admitted under bond that we spoke of by numbers only.

Mr. DICKSTEIN. With all due respect to my friend, I am not trying to deprive any man of putting anything; but if you are going to have one side, why not the other?

The CHAIRMAN. You are getting both sides.

Mr. CABLE. Judge Box is attacking the Labor Department, which he claims is admitting undesirable aliens.

Mr. BOX. For the last six years.

Mr. CABLE. I want to show in the record the Labor Department did not do that.

Mr. BOX. I want to show what the Labor Department shows in the report.

Mr. CABLE. I want to show from the same report what they did actually do. They are improving, anyway.

The CHAIRMAN. Without objection, the digest will be printed.

Now, we have a letter from Madison Grant, in which he regrets he is unable to avail himself of an invitation to appear, and he asked to present a statement in writing, amounting to three typewritten pages.

Mr. SABATH. I move that it be printed.

Mr. DICKSTEIN. Mr. Chairman, in that connection, we have statements containing a lot of slander made and inference about nationals

which has no place in this record. I think that before any paper of this kind is allowed to be printed it should be read by the committee, unless the chairman has read it.

The CHAIRMAN. I can assure the gentleman that this is a fair statement and takes no notice of the assaults made by witnesses on Mr. Grant. I think we can read it. It will only take a minute.

(The letter referred to, as read by the chairman, is as follows:)

MADISON GRANT,  
ATTORNEY AND COUNSELOR AT LAW.  
New York, January 3, 1924.

HON. ALBERT JOHNSON,  
Chairman Committee on Immigration and Naturalization,  
House of Representatives, Washington, D. C.

DEAR MR. JOHNSON: I greatly regret that I am unable to avail myself of your kind invitation to appear before your committee, but it will be impossible for me to be in Washington before the hearings are closed. I, however, am taking the liberty of strongly urging on the committee the approval of bill H. R. 161, and more especially the following:

1. The adoption of the 1890 census as a basis for the quota.
2. The distribution of the quota among the various nations as they were in 1890 and not as they are in their present unstable condition.
3. The reduction of the quota to 2 per cent plus 1 per cent for relatives.
4. The extension of the application of the quota to North, South, and Central America.

Taking these matters up separately:

First, the adoption of the 1890 census as a basis for the quota. The 1890 census is the best basis possible to distribute the newcomers and that census would give us not only the most desirable but the fairest proportion of immigrants from the various parts of Europe. I am informed that the quota from northern and western Europe would be approximately 83 per cent and for southern and eastern Europe 11.7 per cent. The latter is a very liberal allowance for the countries of the Meriterranean and eastern Europe, because the immigrants from those countries and their descendants certainly do not constitute anything like as much as 11.7 per cent of our total population to-day. They would, therefore, get more than their allowance. These allowances are based, of course, on recent immigrants, and there is no allowance whatever made in them for native Americans whose ancestors were in this country before its independence. The 1890 census is so fair that there would be no merit in such protests as have been received recently from the Italian Government on the ground of discrimination.

A quota based on the 1890 census is scientific and thoroughly just, but any quota based on naturalization is a subtly dangerous suggestion. It is unscientific and shifting and can be altered from time to time. A quota based on naturalization would also stimulate naturalization in an unhealthy way among certain groups who are overzealous about bringing in their compatriots. I do not sympathize with the furor for naturalization which has been going on since the Great War under the name of Americanization. It does not make it any easier for us to handle our alien population when they have the vote, and giving them the vote does not bring them into any closer sympathy with our institutions or methods of thought.

Second. The distribution of the quota among the various nations as they were in 1890 and not as they are in their present unstable condition. The quota should be based on the boundaries of the countries as they were in 1890, because in this way we can deal with large units, such as the Russian Empire and the Austrian Empire. The present map of Europe is in a very unstable condition and can not be relied on to "stay put" for very long. To lump Poland, Bessarabia, Lithuania, and Russia together can work no great hardship, and it is very simple. In certain other cases, such as the British Isles, it is far simpler to take them as a unit for a quota basis than it is to split them up. If we divide Ireland from England, the former would have a quota in excess of her present requirements and many English and Scotch now out of employment would be unable to come here because of the insufficiency of their quota. It would be far fairer to consider the British Isles as a unit.

Third. The reduction of the quota to 2 per cent plus 1 per cent for relatives. If the committee allows 1 per cent for relatives in addition to the regular 2

per cent, it would be making a very liberal allowance for these alleged relatives. The relatives clause is taken advantage of by certain groups to get in their nationals, and I believe is more subject to abuse than any other feature of the present law. One per cent would certainly cover all the legitimate cases where a husband might want to bring over his wife or minor children, etc.

Fourth. The extension of the application of the quota to North, South, and Central America. There is no good reason why the Latin-American countries to the south of us, which in some cases furnish very undesirable immigrants, should have preferential treatment over, let us say, Scandinavia or England. The Mexicans who come into the United States are overwhelmingly of Indian blood, and the recent intelligence tests have shown their very low intellectual status. We have already got too many of them in our Southwestern States, and a check should be put on their increase.

The only possible objection to extending the quota to other countries of North America is the fact that we might possibly keep out some desirable immigrants from Western Canada. Without having studied the question, I believe the Canadian quota would be very large, owing to the great number of French Canadians in the mill towns of New England. While this element is a docile one, it is entirely unassimilable and they form communities of their own, entirely out of touch with the surrounding Americans.

This question of alien communities growing up in our midst is becoming a very serious one, and I inclose an editorial from the Chicago Tribune of December 24, 1923, which discloses a shocking state of affairs in Michigan at a place called Ham'roek, a city of 60,000 inhabitants within the limits of the city of Detroit. I suggest that you place this editorial on the record, because it reveals a definite menace to American institutions. This menace will grow unless drastic restrictions on immigration are put in force. Not only will we have foreign communities entirely out of touch with their fellow countrymen and sometimes hostile to our form of government, but, by allowing in the country irresponsible types, who marry young and have large families, we shall also displace native Americans and replace them by lower types.

In conclusion, I should like to point out to the committee that even where there is no immigration whatever into a country one group of the population may in a few generations entirely displace another. This process of replacement will be all the more rapid if immigration is allowed to continue unchecked. Take two population groups, A and B, and consider their rate of increase with the understanding that only individuals who reproduce themselves are counted, and with the further understanding that for the purposes of this estimate there is no mixture between the groups. Let the two classes be in all cases of equal number at the start, and let us say that A has three children in a given length of time and B has in the same period four children. At the end of 100 years, instead of being 50 per cent of the population, A would be 28 per cent and B 72 per cent, and after 300 years A would be 7 per cent and B 93 per cent. Let us go one step further. If A group marries late in life and has an average generation of 33 years and B group marries earlier and has an average generation of 25 years, starting again with equal numbers and both having equal numbers of children, at the end of 100 years A would be 33 per cent and B 67 per cent, and at the end of 300 years the figures would be 11 per cent against 89 per cent. In actual practice, however, it is found that those who marry early tend to have the larger families. If we add these two cases together, we find that A with three generations in a century and three children in each generation, and B with four generations to a century and four children in each generation the divergence between the members of these two groups is much greater because, starting again with equal numbers, in 100 years A would be 17.5 per cent and B 82.5 per cent, and in 300 years the figures would be for A 0.9 per cent (less than 1 per cent) and for B 99.1 per cent. We thus see that early marriages and a slightly larger number of children would in 300 years totally change the character of a population.

I believe your committee is engaged in considering the most important legislation now before the country, because your action to-day will affect the character of our population in all future centuries. I find everywhere an increasing demand for restrictive legislation.

With best regards to you, I am

Faithfully yours,

MADISON GRANT.

[Chicago Tribune, December 24, 1923.]

## HAMTRAMCK.

Hamtramck, a city of 60,000 inhabitants situated within the limits of Detroit, is making a bid for fame. At a recent mass meeting of its residents demands were voiced for "Polish rule," evacuation of the State police, and removal of all but Polish people from the community. A judge of the Federal court was harshly criticized for an attack on the local liquor situation and a local justice was booed into silence when he attempted to speak in English in defense of the Federal court. He was told that only the Polish tongue should be heard.

That reveals a situation which can not be overlooked. The persons responsible for that meeting and its actions are not American in thought, spirit, or practice, whether they are naturalized citizens or not. Either something within themselves or something in America has prevented them from becoming American, and has kept them Poles at heart. It reveals a grave menace to American institutions and democratic government.

It is not a theory but a fact. The question is, How to correct it? The normal processes of time would do so, if allowed to operate. Intermarriage with Americans, or other races in America, the growing use of a common language, the influence of the public schools and of American social customs upon the rising generation would eventually break up any such racial consciousness and solidarity. But no such influences have operated effectively upon those responsible for the demonstration cited.

That is unfortunate, but true. It is also unfortunate, but true, that resentment of this situation, expressed in the ordinary American attitude toward the Poles, or toward Italians, Greeks, Asiatics, and to a lesser extent toward Germans, Scandinavians, Irish, or British, tends to drive these people still more closely together. That is deplorable. But it does not justify ignoring the fact that an alien-minded community of 60,000 souls, established in one of our greatest industrial cities, violently resents the use of the American language and government under American laws. That is a danger which must be understood if the present Congress is to take essential action toward eliminating such danger.

Time and associations will correct in future generations the evils now apparent in this community. But neither time nor associations will correct the present evil. That can be done only by further restricting the influx of aliens, which has been so great as to build up such communities in the present generation. Even if the next generation is Americanized the benefit will be comparatively slight if we develop more such communities of new alien immigrants. What we need is time to absorb those we have without the handicap of adding more unassimilable at the same time.

It happens that the Poles of Hamtramck are the inspiration of this discussion. That is incidental. The same thought applies to Italian, Greek, Asiatic, or other racially conscious colonies of alien-minded peoples, wherever located throughout the United States.

Mr. Box. Does not the Secretary of Labor's bill carry that provision?

The CHAIRMAN. He makes those arguments.

Mr. Box. That is in the bill introduced.

Mr. SABATH. That comes within my observation, and I know he does not say what the increase would be in 1,000 years.

Mr. RAKER. What is the newspaper clipping?

The CHAIRMAN. The newspaper clipping is an editorial.

Mr. SABATH. Mr. Chairman, I perhaps am as well acquainted with the Polish Americans as any man sitting here, and I think the report sent and printed by the Tribune about that meeting of the Polish Americans in that city is a slander on 3,000,000 Polish Americans here. So far I am sure no one of you have heard that the Polish Americans are not good Americans, law abiding, and extremely patriotic citizens. What occurred is that there was a small meeting of some of their own people in a political gathering, where

they felt they should have some of their own people nominated for some offices, because they were in a great majority. Notwithstanding that they were in great majority, they thought they should have representatives, as they had none of their own people representing them. The article is misleading; it is unfair and unjust, and I hope no one will ask that these people should be willfully and deliberately slandered. I know if the Tribune had properly investigated the report of what had occurred that they never would have printed this statement or report that has been sent, and you know how easy it is for a reporter to send in something that will have some meat in it, or that there will be something out of the ordinary, and now I hope that will not be printed. I have no objection to the letter of Mr. Grant being printed; in fact I welcome it, but I do hope no one will ask that that slandering article of the Polish people be printed, based upon a report that was false and misleading.

**Mr. HOLADAY.** Do you have any information that that newspaper article was false.

**Mr. SABATH.** Yes. I got in touch with the gentleman from whom I inquired about the meeting, and he stated it was as a political gathering, where there were about 100 or 125 people present.

**Mr. HOLADAY.** What does the newspaper article say happened?

**Mr. SABATH.** They say they wanted to throw out of office people not of Polish origin. You know how it is in a political meeting.

**Mr. HOLADAY.** Was not that what they wanted to do?

**Mr. SABATH.** In a legal manner, to vote them out of office, and put some of their men in.

**Mr. HOLADAY.** I do not think the paper claims they intended to throw them out by force.

**Mr. SABATH.** The paper's report was misleading.

**The CHAIRMAN.** They would not hear the judge, because he could not speak to them in their language.

**Mr. RAKER.** I think we should treat them all alike.

**Mr. BOX.** The facts have already gone in the record.

**Mr. SABATH.** I know how the Tribune is on some of these things.

**Mr. DICKSTEIN.** I would like to clear this up. Do you think it is fair for this committee and the members of the committee to allow Madison Grant to get this in this record, when he gives us figures up to 300 years from now, basing it on a conclusion, and do you want to incorporate a lot of poison in that record, let the American Republic understand and read something which is not true?

**Mr. RAKER.** Madison Grant has taken his stand upon a condition of statistics, and upon the history of the world, which has been demonstrated time and again in other countries. He is a high-class America citizen. Some may not agree with him. He stands high in the community in which he lives, although some may not agree with him. His letter is here, written by himself, and he himself is responsible for his letter, and he makes as part of it an editorial and asks that it be considered.

**Mr. SABATH.** If that is the case, and you desire to print editorials, why all right.

**Mr. DICKSTEIN.** The basis he figures up to 300 years from now, which is based upon no legal inference. Why does he not come in here and show us how he gets these figures?

Mr. RAKER. You inserted a lot of matters here yesterday yourself.

Mr. DICKSTEIN. I beg your pardon.

Mr. RAKER. You asked to have some matter inserted here the other day.

Mr. DICKSTEIN. About what?

Mr. RAKER. I remember that you asked to have some matters inserted.

Mr. DICKSTEIN. It had no reference to that at all. It was a matter before the committee. This is something that is incorporated, that we have no evidence upon.

Mr. FREE. I think we should have all those figures before us. It shows what we are coming to in the immigration question, and even though that is an indefinite conjecture, it shows the possibility.

Mr. DICKSTEIN. If I sent you in a memorandum from a priest or highly respected minister, giving figures that run up to 500 years from now, will you accept it and incorporate it in the record?

Mr. FREE. He gives the basis upon which he makes his figures. He gives you the basis, otherwise it would be of no value, so there can be nothing wrong with it. You start out with his premise, and you know what it is.

Mr. DICKSTEIN. Do you mean there is enough in there which shows what he bases it on?

Mr. FREE. Yes.

Mr. SABATH. I move the editorials in connection with Madison Grant's letter be inserted in the record.

(The question was put, and unanimously carried.)

(The papers referred to are recorded above.)

(The chairman read extracts from an address of Elihu Root.)

Mr. RAKER. What is the disposition of this editorial?

The CHAIRMAN. On the editorial, if there is no further debate, all those in favor of it being printed in the record will say "Aye."

(The editorial referred to will be found printed in full above, following Mr. Madison Grant's letter.)

Mr. RAKER. I move that Mr. Root's letter be put in the record.

Mr. HOLADAY. It occurs to me while it is a very able statement, no doubt it is very general, and is not specially connected with this proposition, and I am afraid we may wander so far afield. There are two or three statements of facts in there that ought to be in the record.

Mr. DICKSTEIN. Have not they gone through certain tests placed by American institutions? I think it is a slander.

The CHAIRMAN. Let me make a little statement, not as chairman, but as a member of the committee. I have been on this committee now for a long time, and have seen the matters that come over the table and have seen the increasing division, and I know it has been the desire of the majority members of the committee not to do things in the committee that might increase a division of the people in the United States, but the longer I studied it the more I see it is inevitable, and from time to time a witness will drop the remark that sooner or later there must be a stop of immigration. The more one studies immigration the more one sees a point of that kind, and as we meet year after year and start out with new members on some sort of a plan and endeavor to discuss it in a frank, fair way, each



year we see a little more the division, and hear the cry of discrimination and unfairness, which the committee does not want, but if the committee must enact law and try and do what it thinks best for the United States, the time is either here or soon will be here when we will have to call a spade a spade for the very protection of those who come to be citizens of the United States. It is inevitable to me, gentlemen.

I have had 11 years' experience here, starting at the bottom of this table, watching these hearings and I am sorry to see it, but I think we are obliged to take note of statements made by Elihu Root, former Secretary of State, addressing the bar association, who would not make a statement that was mere clap-trap. These are the things as they go out among the people, first through the law journals, later through editorials in the newspapers, and later through editorials of the magazines, that create what Mr. Emory spoke of yesterday and which I interrupted to call his attention to, the apprehension of all our people, no matter whether they are the first, second, third, or still further back generation. We can not hear everyone. We hear as many as we can. We tried to hear all we could with protests. I am not seeking to take the time of the committee another week with those that advocate restriction. The leading restrictionists have not been asked to appear. Dozens of them desire to be heard. One sends in the Elihu Root speech. I have offered it to the committee.

I hope we can get along without acrimony, without going over the whole question shown in the record for the last ten years, but I hope we can come fairly and honestly to a bill which the 435 Members of the House, outside of us on the committee, depending upon us to give to them as a result of our very, very best judgment.

The committee has got the problem, the great problem. The House is waiting for the bill. The House Members depend on our judgment. We do not want to make mistakes.

MR. DICKSTEIN. For that reason, I, in my humble way, am trying to do everything in my power so that we will not be misunderstood. You made a remark a moment ago that sooner or later we have got to call a spade a spade. Why not do it now? If it has to be done, why not do it now?

THE CHAIRMAN. I am endeavoring to do so, without offense.

MR. DICKSTEIN. I know you are. You are working hard, and we are trying to help you, but I can not conceive of throwing matters into a record without giving the particular record any particular study. Why can not we amongst ourselves, before any records are allowed to be printed, see what they are, see if they will be a benefit to us or to the committee?

MR. VINCENT. Whether we agree with Elihu Root, in party politics or do not, I think all of you agree that there is no man in this country of riper judgement than Elihu Root, and for my part I think his statement on this subject is worthy of any man's reading and consideration, and I think it should be included in these minutes.

MR. WILSON. We have taken everything, opinions of witnesses who appeared here, representatives of every foreign group. We have heard those representatives of industries and manufacturers, and I think it would be a very important contribution to have a statement

made from the standpoint of a lawyer at one time, the head of the American Bar Association.

**Mr. DICKSTEIN.** My proposition is we allow a lot of matters and literature, some very valuable, like Elihu Root's, but we have a lot of radicals and bugs, and everything seems to be incorporated in this record. That is my objection.

**Mr. WILSON.** This particular thing is very important.

**Mr. DICKSTEIN.** When you present an argument they say you are a new man and do not know anything at all. They say that in the House. I do not mean you on the committee.

**Mr. FREE.** I would like to make a speech here myself.

**Mr. SABATH.** Will you pardon me, Mr. Chairman? I do not know the reason why the chairman at this time made the remark he did, if the objection or question as to whether this letter from Mr. Root should go into the record be raised by a gentleman who has not taken a great deal of time, and who no one will judge with being unfair or trying to keep things out of the record. My colleague, Mr. Holaday, did not know whether it belonged to the question of immigration. He may have made an inquiry. I do not think, and I say this in answer to your statement, Mr. Johnson, Mr. Chairman—I have been on the committee, I have been a member of this committee for 16 years, and I have heard the same argument that has been made to-day for restriction and against restriction made 16 years ago here, and I have read the arguments and pleas that have been made 100 years ago, the same fears that this country is being overpopulated with undesirable aliens, made in 1810 and 1820, and 1830, and in 1840, and in fact for over one hundred years, but I will say this to you, notwithstanding the apprehension on the part of some we had positive and we have positive proof during the late World War that the immigrants, these aliens who are dangerous to our institutions—they have shown they are patriotic, they have shown they are loyal, and all those that are so fearful, if they would investigate the life of those people, I am sure, if they would be sincere and honest, would be obliged to admit that really there is not any ground for such apprehension of fear as they have tried to make the country believe.

Now, I am not delaying legislation. I believe I have always conducted myself in a manner where nobody can find any fault. I have the same privilege as any other member of this committee, and as long as I am a Member of Congress, a member of this committee, I will try to represent the people who have elected me, and will endeavor to express my view in the same way as any other Member of this House, if I am permitted, and I hope that privilege will not be denied me.

**Mr. CABLE.** Why is it that 90 per cent of the violations of prohibition laws of Illinois are by foreigners?

**Mr. SABATH.** I deny that.

**Mr. CABLE.** The record shows it.

**Mr. SABATH.** No; it does not show it. Only here about two months ago we had the celebrated Ulrich case, that has been tried for about six weeks. There were only about 10 defendants, but it was shown there were over 100 people connected with that, and surely no one can say they were foreigners, because the majority of them were the most prominent citizens we have in the city of Chicago; and the

records will not disclose that 90 per cent of the violations are by foreigners.

You must bear in mind that the city of Chicago—the population of the city of Chicago—is nearly 48 per cent foreign born. Naturally, you will find a large number of those that might be charged with violation, but even at that those violations that they have been guilty of are minor compared to the violations that have been taken up in other sections of the country where there is no immigration or alien.

Mr. CABLE. The record of the prohibition department, Federal, shows that 90 per cent of the other convictions in Illinois violations of the prohibition laws are by foreign born.

Mr. SABATH. Have you the record anywhere?

Mr. CABLE. I have it in my office.

Mr. SABATH. Will you give it to me?

Mr. CABLE. I will insert it.

Mr. SABATH. All right; I will be pleased to see it, and I will show you. There may be a much larger number of convictions of aliens than native born, because invariably they have no one dependent, to look out after them.

Mr. CABLE. You admit a great per cent of bootleggers are aliens, do you not?

Mr. SABATH. No; I would not.

Mr. RAKER. The testimony shows that 85 per cent of all the violations of the Volstead Act are aliens.

Mr. DICKSTEIN. And the Kings are American citizens.

Mr. SABATH. There are a great many of them, and I will tell you they are accustomed to beer and wine, and they think they are in a free country and have that privilege to have their glass of beer or a glass of wine.

The CHAIRMAN. It is only a question of a short time that the committee have before it one of these bills to cause deportation of aliens for violations of our laws, and we will have that subject up then.

Mr. HOLADAY. If it were so understood, I did not intend it to be so understood that I objected a moment ago. I simply inquired as to whether or not it was a practical thing. If you do consider it an objection, I will withdraw.

The CHAIRMAN. You have heard the question in regard to the presentation of the extracts, from the speech of Elihu Root. You have heard the motion. Those in favor of admitting the statement will say aye.

(The question was duly put and unanimously carried.)

(The papers referred to were as follows:)

NEW YORK, January 3, 1924.

HON. ALBERT JOHNSON,  
Washington, D. C.

DEAR MR. JOHNSON: I inclose herewith extracts from an address delivered by Mr. Elihu Root at the State bar association's dinner on January 15, 1916.

With best regard,

Very sincerely yours,

JOHN B. TREVOR.

How are we to meet the future, and what is the responsibility of the bar, that is the guardian of American law, toward meeting that future? It is not a matter of opportunism; it is not a matter of temporary expedient. The situation can not be dealt with by merely doing what seems to you and to me

to be the expedient thing in this situation and in that situation to-day or to-morrow. Our people must base themselves upon a foundation of principle. They must renew their loyalty to ideals. And the basic principle is the principle of American law.

It is the principle of individual liberty which has grown out of the life of the Anglo-Saxon race and has been waxing strong during all the 700 years since Magna Charta. That was the formative principle that made America, the United States and Canada, from the Atlantic to the Pacific, from the Gulf to the frozen north, English speaking, pursuing the course of the common law, preserving liberty and doing justice. That the power of that principle of individual liberty that developed in the life of our race, is the greatest formative power in the history of the world. Over against it stands the principle of the State. Upon the one hand is the declaration in that great instrument, the value of which we hardly yet appreciate, the Immortal Declaration, penned by Thomas Jefferson, that all men are created with inalienable rights, which governments are created to preserve. On the other hand is the principle that States are created with supreme rights which all individuals are bound to observe. The one centers the system of law and order and justice upon the inalienable right of the individual, the other centers the system of law and order and justice upon the rights of the State, which subordinates the rights of the individual, and that is the fundamental question which is being fought out upon the battlefields of Europe.

Here in this country we have enjoyed liberty and order so long that we have forgotten how they came. Our people assume that they come as the air comes, to be breathed; they have assumed that they will, of their nature and by their own force, continue forever, without effort. Ah, no! Liberty has always been born of struggle, it has not come save through sacrifice and the blood of martyrs and the devotion of mankind. And it is not to be preserved except by jealous watchfulness and stern determination always to be free.

That eternal vigilance is the price of liberty is such a truism that it has lost its meaning, but it is an eternal truth, and the principles of American liberty to-day stand in need of a renewed devotion on the part of the American people. We have forgotten that in our vast material prosperity. We have grown so rich, we have lived in ease and comfort and peace so long that we have forgotten to what we owe those agreeable incidents of life. We must be prepared to defend our individual liberty in two ways. We must be prepared to do it first by force of arms against all external aggression. God knows I love peace and I despise all foolish and wicked wars, but I do not wish for my country the peace of slavery or dishonor or injustice or poltroonery. I want to see in my country the spirit that beat in the breasts of the men at Concord Bridge, who were just and God-fearing men but who were ready to fight for their liberty. And if the 100,000,000 people of America have that spirit and it is made manifest they won't have to fight.

But there is another way in which we must be prepared to defend it and this is necessary to the first: We must be prepared to defend it within us against all indifference and false doctrine, against all willingness to submit individual independence to the control of practical tyranny, whether it be of a monarch or a majority.

Now there are certain circumstances which tend toward weakening the allegiance of the American people to the fundamental principles upon which the law of America is based. One of them is that the changes in conditions have required and are continually requiring extensions of government, governmental regulation and control, in order to prevent injustice; and we naturally turn in the creation of these new and necessary regulations to those governments which have been most efficient in regulation, and those are the governments which sacrifice individual liberty for the purpose of regulating the conduct of men; and so the tendency is away from the old American principles toward the principles of bureaucratic and governmental control over individual life, a dangerous road for a free people to travel, to attain necessary results, and the danger is that in attaining those results the true principles of liberty be lost sight of.

Another circumstance which we ought not to lose sight of is the fact that a vast number of people have come to the United States within very recent times from those countries of Europe which differ so widely in their fundamental conceptions of law and personal freedom from ourselves.

The millions of immigrants who have come from the continent of Europe have come from communities which have not the traditions of individual lib-

erty, but the traditions of State control over liberty; they have come from communities in which the courts are part of the administrative system of the government, not independent tribunals to do justice between individual and the government; they have come from communities in which the law is contained in codes framed and imposed upon the people by superior power, and not communities like ours, in which the law is the growth of the life of the people, made by the people, through their own recognition of their needs.

It is a slow process to change the attitude of the individual toward law, toward political principles. It can not be done in a moment, and this great mass of men, good men, good women, without our traditions, but with entirely different traditions, will change us unless we change them.

Fifteen per cent of the lawyers of this city are foreign born. Fifty per cent of the lawyers of this city are either foreign born or of foreign parents. And the great mass of them have in their blood, with all the able and brilliant and good and noble men among them—have in their blood necessarily the traditions of the countries from which they came. They can not help it. They will hold these traditions until they are expelled by the spirit of American institutions. That is a question of time. And somebody has got to look after it. Somebody has got to make the spirit of these institutions vocal. Somebody has got to exhibit belief in them, trust in them, devotion to them, loyalty to them, or you can not win this great body from continental Europe to a true understanding of and loyalty to our institutions.

The change may well be seen in our colleges and law schools, where there are many professors who think they know better what law ought to be, and what the principles of jurisprudence ought to be, and what the political institutions of the country ought to be, than the people of England and America, working out their laws through centuries of life. And these men, who think they know it all, these half-baked and conceited theorists are teaching the boys in our law schools and in our colleges to despise American institutions.

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The whole business of government, in which we are all concerned, is becoming serious, grave, threatening. No man in America has any right to rest contented and easy and indifferent, for never before, not even in the time of the Civil War, have all the energies and all the devotion of the American democracy been demanded for the perpetuity of American institutions, for the continuance of the American Republic against foes without and more insidious foes within, than in this year of grace 1916.

**THE CHAIRMAN.** I have a letter from the chairman of the Allied Patriotic Societies of New York, a list of 50 to 60 societies represented, and here is the following resolution:  
(The resolution referred to is as follows:)

#### REPORT OF COMMITTEE ON IMMIGRATION.

JUNE 7, 1923.

As the result of a careful study of the immigration question during the last six months, the committee on immigration makes the following report, and presents the following recommendation and resolutions to the full conference of the Allied Patriotic Societies: (Inc.) for consideration:

During the two decades prior to the enactment of the 3 per cent quota law of May, 1921, immigration to the United States had attained enormous proportions and was of such a character as to threaten and actually inflict grave social, political, economic, and racial evils upon the country. It was clearly brought out by certain developments in the course of the world war, both prior to the participation of the United States and after that time, that there were large foreign groups throughout the country wholly or partially unassimilated, both racially and culturally, and who were largely under political influences from foreign countries. The findings of the commission to investigate the immigration question, appointed by President Roosevelt in 1909, as to the extent to which foreign colonies derived from our enormous immigration, had established themselves throughout the country, were corroborated by the experiences of draft boards in the World War and particularly by persons engaged in our Liberty Loan drives and other activities connected with the war. While most of our foreign born, and a still larger percentage of the

children of foreign parents, were loyal to this country in the war, nevertheless the fact can not be denied that our national solidarity in the pre-war period and even during the progress of the war after our entry therein, was considerably weakened by the recently imported foreign groups in our midst.

The change from the "older" to the "newer" immigration began about the year 1882. The "older" immigration came almost exclusively from the countries of northern and western Europe and was composed of races either identical with those which colonized the country and established our American civilization, or very closely related to them. The major part of our immigration since the year 1882, coming principally from the countries of southern and eastern Europe, has been composed of peoples which, whatever their respective merits may be, are for the most part widely divergent in their racial qualities from the races which were settled here before. For the two decades following 1882 our total immigration was fairly evenly divided between the "old" and "new," but since the year 1900 the "newer" immigration was vastly preponderant. From June 30, 1899, to June 30, 1920, a period which includes the low immigration period of the World War, our total immigration was 15,291,484; of this immigration only 3,101,131, or 20 per cent, came from the countries of northern and western Europe. To avoid ambiguity the countries so designated are the British Isles, Germany, France, Sweden, Norway, Denmark, Belgium, Netherlands, and Switzerland. Nearly all of the balance (the remaining 80 per cent) consisted of immigration from the countries of southern and eastern Europe. To bring this fact out more prominently the following table taken from the statistics of "Immigration by races and peoples" in the report of the Commissioner General for 1920, shows that the 10 races or peoples sending the largest numbers during the period 1899 to 1920, and the respective quotas of each, were as follows:

South Italian.....	2,898,499
Hebrew.....	1,565,607
Pollsh.....	1,423,209
German.....	1,100,058
English (including Canadian).....	828,140
Irish.....	679,763
Slovak.....	484,110
Magyar.....	462,249
Croatian and Slovenian.....	402,261
North Italian.....	551,348

A glance at this table shows that the bulk of the "newer" immigration is made up of Italians, Hebrews, and Slavs, all of which are races much more widely divergent, biologically speaking, from the basic stocks of the country than the great bulk of the "older" immigration prior to 1882, which was Anglo-Saxon, Germanic, Scandinavian, and Celtic (Irish).

During the war certain intelligence tests were made by our Army authorities on a very large scale for the purpose of using the men of the draft to the best advantage. These tests threw considerable light on the mental qualities of the "newer" as compared with the "older" immigration. Separate racial groups were separately examined and great care was taken to eliminate any advantage from speaking the English language for non-English-speaking groups by having each group tested in its own language and having the tests of such character as not to depend on knowledge of English. The results of these tests are contained in a series of volumes and have been analyzed by those who were connected with the making of the tests, particularly in the work of Prof. Carl Brigham, of Princeton, entitled "A Study of American Intelligence," published by the Princeton University Press. This gentleman was retained by our Army during the war owing to his expert knowledge in making tests of this character, and he worked under Colonel Yerkes, the head of the psychological department of the Army. Prof. Brigham's tables bring out certain very startling facts as to the mental capacity of the bulk of our recent immigration. They show that most of the foreign-born groups, particularly those from southern and eastern Europe, have contributed people whose average intelligence was far below that of the average intelligence of the native-born white draft. One table brings out this fact in detail as to 13 separate racial groups. It shows that at the bottom of the list, with respect to intelligence, stand four groups composed of people born respectively in Greece, Italy, Russia, and Poland. The percentage of each of these groups which was equal in intelligence to the average intelligence of the native-born white draft ranged only be-

tween 21 per cent and 12 per cent; that is to say, for example, only 12 out of every 100 of those born in Poland had a mental capacity equal to that of the average white American born in the draft. The group born in Greece averaged 21.8 per cent; the group born in Italy averaged 14.4 per cent; the group born in Russia averaged 18.9 per cent; and the group born in Poland averaged 12.2 per cent. Professor Brigham figures out, moreover, that as many as 2,000,000 persons have been admitted to the country within the last three decades whose intelligence was nearer the intelligence of the average negro in our army than to the average intelligence of the American white draft. This is a very startling fact. Of course, we have been receiving large numbers of insane and mental defectives as well as criminals from many races both of the "older" and the "newer" immigrations. The statistics on this subject are set forth in the very able report of Doctor Laughlin which is the result of several years' work as the expert of the Committee on Immigration and Naturalization of the House of Representatives. The report shows among other things that 7 per cent of all State taxes is expended for the maintenance in our custodial institutions of persons of foreign birth or foreign parentage. One of the important facts brought out by this investigation as well as by the Army test is that the "newer" immigration from southern and eastern Europe has been inferior to the immigration from northern and western Europe, particularly with respect to crime. This "newer" immigration has totaled approximately 12,000,000. The emigration figures, only going back to 1908, indicate that about 3,000,000 of the same peoples have gone back to Europe. On the other hand we have to take into account the natural increase which would probably at least offset this emigration, so that we get back to the approximate figure of 12,000,000. It follows that this immigration constitutes about 11 per cent of our total present population, which in 1920 was roughly 105,000,000.

The effect of the 3 per cent quota law during the two years that it has been in operation has been to reduce this "newer" immigration. In the year 1921 to 1922 it was 150,000, as compared with an average of 600,000 per annum for the period 1899 to 1920.

The bill advocated by Mr. Albert Johnson, chairman of the House Committee on Immigration and Naturalization in the last Congress proposes to fix the quotas at 2 per cent based on the census of 1890, with an additional 1 per cent to be exclusively used by relatives of immigrants already in the country. This bill would give us a total annual immigration of about 300,000 (250,000 from the countries affected by the quota law and additional immigration of at least 50,000 from contiguous territory, principally Canada, Mexico, and Cuba). This amendment of the quota law would reduce the proportion of the immigration from Southern and Eastern Europe to about 10 per cent of the total, which would make it correspond approximately to the percentage of our total population represented by these racial stocks. The new bill to be introduced will follow in other respects the provisions of the bill reported favorably in the last Congress by Mr. Johnson's committee. One of its cardinal features is to provide for the issue of certificates equal to the quota from each country to be furnished to the immigrants before they embark, which will be a guaranty that their quotas have not been exhausted and will prevent deportation on this ground after the immigrants have arrived in America, except in cases of fraudulent misrepresentation by the immigrants themselves. In the bill to be introduced will also be found the first practical attempt to provide for the inspection abroad of immigrants and the elimination at the port of embarkation of those who are prohibited by our present laws from entering the country. It is impossible at the present time, and probably will be for many years to come, to have a thorough going system of inspection abroad, to determine moral, physical, and mental fitness of individual immigrants, owing to the limited jurisdiction of our consular service under existing treaties. Foreign powers have strenuously objected to any inspection or weeding out process in their respective territories through the machinery of our Consular Service. However, they probably could not and will not object to the requirement in the proposed bill of filling out a questionnaire by the immigrant at the port of embarkation, showing whether or not (according to his own statements at least), he is or is not qualified under our laws for admission. It may be that this provision will be so formulated as at least to hold up on the other side immigrants who according to their own showing would be excluded at Ellis Island.

With reference to inspection abroad the following serious matters should be borne in mind if any radical change is to be made in the present system.

At present the steamship companies are responsible for bringing over persons found on their arrival to be diseased or insane or subject to certain other defects making them ineligible for admission. Until we are prepared to have just as thorough an examination and inspection in the various ports of embarkation all over the world as we actually have to-day in our own ports, it would be folly to remove the fear of a fine or penalty on the steamship companies for bringing such ineligible immigrants to this country. The effect, for instance, of having one of our consular officers, presumably without medical training, determine the physical or mental condition of a would-be immigrant, might be to estop the Government from holding the steamship company liable for his deportation if actually defective. While the committee favors in principle such examination abroad as is possible, it feels that unless the change is made in a comprehensive and thorough way, after obtaining the necessary treaty modifications with foreign powers, it might do a great deal more harm than good.

Another phase of the question receiving study and consideration by the committee was the claim made that the letting down of the immigration bars is an economic necessity to the country and as such should prevail over any argument based upon racial deterioration due to a large immigration of no better quality than we have been having in recent times. Last winter before the Immigration Committees of the House and Senate, there appeared a number of representatives of large industries employing labor of various kinds and pleading for greatly increased immigration. The claim was made that a shortage existed of various kinds of labor, particularly of common labor. The fact, however, seems to be, when the official Government reports of the United States are given consideration and the statements of the Secretary of Labor are given due weight, that there is no marked shortage of common labor in the country as a whole at the present time, the surplus in some States exceeding the shortage in others. On the other hand there is undoubtedly a shortage in a number of States of certain kinds of skilled labor, especially in the building trade and some shortage in the steel and textile industries which have in recent times been largely manned by foreign labor. These shortages were, however, as recently as February last, confined to a few States on the Atlantic seaboard.

Secretary Davis, in an open letter to the President, dated May 12, 1923, stated that to attempt to lower wages in this country by the importation of foreign labor is a mistake. He also put himself squarely on record as opposing any decrease in the numerical limitations on immigration contained in the present quota law. The Secretary believes, with other students of immigration, that it is possible to meet shortages of labor in this country by a better adjustment in the distribution of the domestic supply. Attention has been called to the fact that in the coal mining industry alone there is a surplus of at least 200,000 men.

Some of the manufacturers explained that their plants had in the past been manned very largely by foreign immigrants, in some cases to the extent of 90 per cent of the whole force. A number of them explained that what they want is common labor rather than skilled labor through increased immigration, because they could get the skilled labor by educating the foreign common laborers so that they could gradually be promoted to positions of semiskilled and skilled labor. It did not seem to strike them that this clearly implied that they would like to have the whole of their forces recruited from foreign lands, which would mean the eventual elimination of all native-born labor. There is serious reason to believe that what these large employers are really seeking is not more labor but cheaper labor, by means of immigration, as in the past. The immigrant of the kind we have been getting in recent years is willing to take any kind of a job, and at wages very much lower than the general American scale, the average wages in southern Europe being only about one-third of American wages for the same kind of work. The result is that every new wave of immigration is bound to drive out or displace practically an equivalent number of those previously working in our industries, whether they be native born Americans or previously arrived immigrants. In a few years, however, the newer immigrants, who have the jobs, begin to insist on being paid the prevailing rate of wages so that the profit to their employers ceases unless the immigration tide bringing in a new supply of needy foreigners is constantly maintained. This thought was rather naively expressed by one of the manufacturers at the Senate hearing last winter by the statement, 'What we want is a stable flood.' The manner in which American labor is almost universally displaced



in many of our basic industries by the tide of immigration labor, is very clearly brought out in the standard book on immigration entitled "The Immigration Problem," by Prof. Jeremiah W. Jenks and W. Jett Lauck, which summarizes the result of the investigation of the Roosevelt Commission of which Professor Jenks was a member. Professor Jenks points out that while the primary cause of this displacement is economic, i. e., the inability of American labor with its higher standard of living, to compete with the cheaper European labor with its lower standard of living, a secondary and not unimportant cause is the unwillingness of the native-born American laborers and the laborer of the older immigration, to work side by side in the same mine or the same factory with people of an alien race, having different customs and habits of living. There may be a third cause for the universal phenomenon of displacement, namely, that by reason of the filling of the lower positions in the ranks of unskilled and semiskilled labor by the foreigner, there is a certain amount of room created higher up where the native born American, if he is of superior intelligence, may find work and this undoubtedly happens to a certain extent. Little account, however, is taken of the American who happens to be of a somewhat low grade of intelligence, who has not the capacity to make good when he is kicked upstairs and must necessarily fall by the wayside, either adding to the ranks of the unemployed or lowering his standard of living by seeking less profitable employment than that to which he is accustomed. There is good reason to believe that the popular belief that the American will not work in various occupations because he considers himself "too good" for the job and that we therefore have to rely on the foreigner who does not consider himself "too good," for all our rough and less agreeable forms of labor, is nothing more than a national delusion, fostered perhaps by surface indications which are misleading.

Another very important aspect of this whole question is the effect of the enormous immigration of modern times upon the native birth rate. As long ago as the decade following the Civil War, General Walker, the director of two United States censuses, stated that every wave of immigration from Europe had the effect of decreasing the birth rate.

In a recent pamphlet entitled, "Immigration and Population," written by Mr. Earle Walcott and published by the Commonwealth Club of California, the statistics with reference to birth rate and immigration in the United States from the earliest times are dealt with and analyzed. The author shows that these figures fully corroborate General Walker's views. Mr. Walcott shows that during the period of our largest immigration from 1870 up to the time of the great war the native birth rate diminished and diminished to a greater degree in the northern and eastern parts of the country which received the vast majority of the immigration than in other parts of the country, particularly the South, where the foreign influx was almost negligible. He shows that if the same birth rate had been maintained in the regions where immigration distributed itself as was actually maintained in the South among the native white stock we should have a larger population for the whole country to-day than we have at present in spite of the 25,000,000 or more immigrants that have been admitted during this period. He sums up the discussion with the remark that the question before us to-day is whether the soil of the United States shall be inhabited in the future by the sons of those who are here to-day or by the sons of those who are at present dwelling in foreign lands. Of course, these considerations as to the effect of immigration on native birth rate also have a bearing on the question of our labor supply. If the population as a whole increases quite as rapidly without immigration as it does with immigration, then our labor supply in the long run would not be added to by letting down immigration bars. Without immigration, eventually American labor would reestablish itself in our industries and all vocations would be manned by native labor. This, of course, is the case in many other countries to-day, as in England, for instance, where every kind of work, from coal mining and street cleaning to banking, is performed by the native born.

In view of the foregoing considerations your committee has come to the conclusion that the economic argument in favor of doing away with or weakening the present restrictions on immigration for the purpose of manning our industries is fallacious and unsound; that except for comparatively short periods of time and where there happens to be a real shortage of certain kinds of labor (not merely a desire for cheaper labor) there can be no economic ad-

vantage to the country from immigration, certainly not from an immigration the average intelligence of which is inferior to the average already prevailing here. We believe that the man power of the country to-day, if properly utilized, is sufficient to meet the country's needs and that the remedy for existing shortages can be found in a last fiscal year 1921-22 shows that out of a total immigration under the quota law of 309,000 only 38,000 were common laborers and only 10,000 were farm laborers. There were 131,000 who recorded themselves as, without previous employment of any kind. These included women and children. The manufacturers who ask to meet a shortage of common labor by letting down the immigration bars would, therefore, have to have an immigration of 1,000,000 to get 100,000 common or unskilled laborers, and an immigration of 6,000,000 to get 600,000 such laborers.

Our conclusion is that it is impossible to meet these demands of the manufacturers without literally swamping the country with a huge immigration, the greater part of which would be harmful to the country and only a small part of which would be responsive to the demands of the manufacturers.

In conclusion, your committee recommends the following resolutions for adoption by the various patriotic societies represented in the Allied Patriotic Societies (Inc.). Your committee feels very strongly that the main issue with respect to immigration legislation at present is the preservation of the racial integrity of the American people by maintaining at least the present numerical restriction on immigration and also by improving the quality thereof by further racial selection which will reduce the present undue proportion of immigration of relatively unassimilable stocks. We therefore recommend for adoption by the various societies represented in the Allied Patriotic Societies (Inc.) the following resolution:

*"Resolved, That we favor the enactment of a permanent law restricting immigration upon the principle of the present percentage quota law, but fixing the annual quotas at 2 per cent of the foreign-born from each country according to the census of 1890, with additional definite quotas not exceeding 1 per cent to be used exclusively for persons who are conclusively shown to be near relatives of immigrants already in the country at the present time."*

Of secondary importance to the subject matter of the foregoing resolution are certain amendments to the present immigration laws and improvements in the administration thereof covered by the following resolutions which your committee also strongly recommends for adoption by the several affiliated societies.

*"Resolved, That we favor the amending of the quota percentage law by the requirement that certificates should be issued by the Department of Labor equal in number to the respective quotas of the several foreign countries under the law and that immigrants should be furnished with these certificates before embarking for the United States until the number of certificates in each case is exhausted."*

*"We favor the amending of the present immigration laws by the requirement that immigrants before being granted visas of their passports by our consuls or quota certificates, as above mentioned, shall produce birth certificates and records as to crime required by the laws of the country of their last allegiance or birth, and where no such records exist satisfactory evidence in lieu thereof in proof of place of birth and absence of conviction of crime."*

*"We favor the better enforcement of the present immigration laws as to medical inspection of immigrants at the ports of entry, both with respect to physical and mental defects, and to this end we urge upon Congress the granting of larger appropriations to secure an adequate force of medical inspectors."*

BELL GURNEE.

DAISY ALLEN STORY.

ETTA V. LEIGHTON.

G. R. TUSKA.

FRANCIS H. KINNICUTT,

*Chairman.*

The CHAIRMAN: We are scheduled to-day to hear Mr. C. M. Panunzio, who appeared in years past. He is here and he will present a few views, if the committee desire to hear him. Mr. Panunzio is a student, and has written several books, and is engaged in writing his second book on immigration.

### STATEMENT OF C. M. PANUNZIO, WASHINGTON, D. C.

The CHAIRMAN. Please give your name.

Mr. PANUNZIO. C. M. Panunzio. I have been an instructor in social science at Willamette University.

Mr. HOLADAY. What university?

Mr. PANUNZIO. Willamette University, Salem, Oreg. At present I am Fellow in Political Economy at the Residence Foundation of Washington University in this city—Washington University of St. Louis maintains a resident foundation here. As a foreign born, I am naturally interested in the subject of immigration.

Mr. FREE. May I ask you to tell where and when you were born?

Mr. PANUNZIO. I was born in Italy and came to this country when I was 19 years of age. I became naturalized, and have given my life almost entirely to the study of social questions, particularly as they pertain to immigration, and more particularly to the immigrant as a human being. My interests lie in the human aspects of the question, as well as in the larger political aspects.

I was naturalized, and when the war came, with many other foreign born, I offered myself to this country, but unfortunately because of a defective eye, I could not enter the regular service. Therefore, I went abroad with the Y. M. C. A., and later was engaged by the United States Committee on Public Information, the Italian section, to make a speaking tour of Italy in behalf of this country.

The CHAIRMAN. I think that is sufficient, preliminarily.

Mr. PANUNZIO. I approach this whole question from the point of view of the social scientists, and you will pardon me for saying, Mr. Chairman, that I have been very much surprised that in all this discussion and the witnesses which have been called before this committee, that you have not called on any real bona fide anthropologist, or political economist. You have had persons who have represented one side or another, from a racial point of view. You have had representatives of labor, and you have had representatives of capital. You have had representatives of the Hebrew race and of the Italian people, and so on, but you have not had, so far as I have been aware, and I have attended practically every session of this committee's hearings, you have not had a single person who could approach the subject from the viewpoint of the scientist.

The CHAIRMAN. Have you seen the hearings that we have had during the last Congress?

Mr. PANUNZIO. Doctor Laughlin's?

The CHAIRMAN. And several others. I think we went into nearly all the viewpoints you mentioned. I suggest that to you, because I want to see what the committee have before it, while we are not calling those witnesses again, that is available to the members of the committee. Will you go ahead and give us your view.

Mr. PANUNZIO. I say I approach this subject from the point of view of the political economist, and from the point of view of the

foreign born. First of all, so far as restriction is concerned, I would go much further in matters of restriction than this committee has gone.

Mr. RAKER. Right there, Doctor—

Mr. PANUNZIO. If you will pardon me, Judge Raker, let me go on.

Mr. RAKER. Who else has written on this subject?

Mr. PANUNZIO. Well, there is Fairchild, whom I regard very highly, who is a former instructor of mine and personal friend.

Mr. FREE. What are his initials?

Mr. PANUNZIO. H. P.

Mr. RAKER. What is the title of his book?

Mr. PANUNZIO. Immigration.

Mr. RAKER. Who else.

Mr. PANUNZIO. Robert F. Foerster, Italian Emigration Of Our Times; Hall's Immigration; Warne's The Tide of Immigration. They all are in practical agreement.

Mr. RAKER. Do you know Professor Jenks's book?

Mr. PANUNZIO. Professor Jenks's book is simply an abstract of the Immigration Commission's report. It is practically nothing less than that brought up to date. Some of the original works are those which I have mentioned. Then there are, peculiar to say, a number of foreign scholars who take precisely the same attitude with regard to immigration, notably some of the Italian scholars like Brenna, who take the position that we should have restriction.

With the general proposition of restriction I am in agreement. But I approach the problem from an entirely different point of view, and it is there where I differed distinctly with the committee—the committee's attitude as it is illustrated by this bill. My attitude is that immigration should be restricted because of social and of economic conditions in this country, and not primarily because of racial superiority and inferiority, so-called. Immigration should be restricted first because, so far as we can tell, emigration has not solved any of the fundamental problems of the countries of origin. Italy, for instance, has lost over 10,000,000 population during the last 40 years, but Italy's birth rate has increased even more than it would have increased under ordinary circumstances. Emigration from Italy appears to have made no contribution to and the improvement of social and economic conditions in Italy.

But restriction should be based upon scientific data. Any static, unflexible system of admitting a certain number, or a system which admits at any time a large number or a small number regardless of the actual economic conditions of the country, regardless of the social conditions obtaining in these immigrant communities, or in America as a whole is not scientific. I think I voice the judgment of political economists when I say that if some system could be devised which could take into consideration the problem of actual need at a given time, that we would reach a much more equitable solution of the problem than I believe the bill which is before you now can possibly reach.

Mr. RAKER. And what do you mean by the need at a specific time?

Mr. PANUNZIO. The need for labor, if that is what you are admitting people for.

Mr. RAKER. I am not talking about labor. You say it should be decided upon a scientific basis that would reach the needs at a specific time.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. What do you mean by that?

Mr. PANUNZIO. Just what I said; the need for labor at any particular time. What is the use, for instance, of admitting to this country, as we did during the fiscal year 1919-1920, large numbers of people when we had approximately four and one-half million or five millions of people out of employment at that time? What reason was there for admitting even one?

And you will recall, Mr. Chairman, when I had the privilege of appearing before this committee on a previous occasion that I cited to you some of my findings in Europe, where certain interests in this country were actually depopulating village after village at that time.

Mr. BOX. Was that carried into the hearings?

Mr. PANUNZIO. The chairman asked for certain names and it was thought best that part of the testimony be left out.

Mr. BOX. It is not in here?

Mr. PANUNZIO. No, sir.

Mr. BOX. I did not recall it. I would like to have that information, though, if it is available.

Mr. PANUNZIO. I think that information could be gathered. I do not know whether the consular reports would show it, but I got a good deal of it from the consuls in Italy.

Mr. RAKER. Do you not go any further on the subject than the question of the needs of labor at a particular time?

Mr. PANUNZIO. I have already spoken of social assimilability.

My chief objection to immigration legislation is that it has devoted its attention almost exclusively to the rejected 3 per cent and it has paid no attention whatsoever to the 97 per cent of those who knock at the doors of the United States and who are admitted, so that many of the problems, some of which have been brought to your attention, I believe, are primarily due to the fact that we have followed a *laissez faire* policy with respect to the immigrant after he has been admitted to the country. I repeat, the entire body of immigration legislation deals with the question of rejecting the 3 per cent of all those who knock at the gates of the United States and pays no attention whatsoever to the much larger and more important problem of properly caring for the immigrant after he has been admitted to the country. Over and above any restriction, be it 1 per cent, be it 2 per cent, be it any percentage, or whatever be the basis upon which the restriction is placed, it seems to me that there is nothing that is more greatly needed in this country than a body of legislation which will make it possible for the immigrant to find himself, to discover his capacity, to discover where he is needed, to discover how he can become an American citizen, how he can fit in American society. And if you will permit me, gentlemen, to refer to a little book of mine, 'The Soul of an Immigrant,' it will tell you the story of how it took me 18 years of continuous hunting and searching before I became a citizen of the United States, even though I was educated, in part, in Italy, even though I was yearning and seeking for the privilege of becoming a citizen of the United States. Such was the lack of

actual interest on the part of authorities and on the part of those who could have guided me that it took me all those years before I could actually become a citizen of the United States.

Mr. CABLE. Did you apply right away for first papers?

Mr. PANUNZIO. I applied two years after I came to this country.

Mr. CABLE. Then why did you not on your five years' residence become a citizen?

Mr. PANUNZIO. Because of my movements from place to place and of the obstacles placed in the way by the law.

Mr. CABLE. You blame the law then?

Mr. PANUNZIO. I partly blame the law, although I think it has since been corrected in part. I refer to the naturalization law, and not the immigration law.

Mr. CABLE. This is a hearing affecting the immigration bill and not our naturalization law.

Mr. PANUNZIO. No, sir; this affects the entire question of immigration. I say that what we need is a proper system of regulation, that this regulation should be based upon an elastic principle, and this in turn upon the actual conditions of the country at a given time. And more than this, we need a proper system of distribution and a plan for directing assimilation.

Mr. CABLE. Do you want some one man or some group of men to control the number of aliens who should come here year by year?

Mr. PANUNZIO. May I say that I am free from any political or economic interests. If anything, I would be on the other side of the fence from where Mr. Emory was, or the interests that Mr. Emory represents. But after studying the plans followed by the various countries, I have reached almost exactly the conclusion which Mr. Emory presented to this committee yesterday. So it will not be necessary for me to go into it in detail.

Mr. FREE. I was not here at that time. What was it? What was it, in brief?

Mr. PANUNZIO. A system based on an elastic principle, the application of which should be left in the hands of an administrative board composed of the Secretaries of Labor, Agriculture, and Commerce. This board should from time to time forecast the need of labor and if at a given period there was no need of labor, to have no labor whatsoever come into the country through immigration, and if at other times there was a greater need for labor there would be a greater number admitted within specified or upper limit.

Of course, I am perfectly conscious of the fact that there would be a great deal of conflict; there would be a great many interests represented; but still I can not help but feel but that you could trust three of your administrative officers to carry out a definite elastic policy, more or less similar to the Canadian system. Now, Canada does a great deal of that, and South America, Argentina especially, and Brazil; France does the same thing. France goes down to Italy and imports a certain number of laborers in accordance with its present needs.

Mr. FREE. Professor, have you gathered anywhere the different systems used by the different countries? Have you compiled it in any way so that we could get it?

Mr. PANUNZIO. I am just now working on that very thing. I am working on a book dealing with the subject. I came to Washington to complete my researches.

Mr. McREYNOLDS. How many countries have restrictive immigration?

Mr. PANUNZIO. You mean selective?

Mr. McREYNOLDS. Restrictive and selective, either or both.

Mr. PANUNZIO. I think all the great immigration countries have selective and to an extent restrictive immigration.

Mr. FREE. What do you mean by great immigration countries?

Mr. PANUNZIO. Countries that receive immigrants.

Mr. FREE. What countries do not receive immigrants?

Mr. PANUNZIO. All the countries that do receive—I might put it that way—have restrictive and selective provisions.

Mr. FREE. That is what I want to get at. There are countries that will not receive immigrants at all? Do you know what they are?

Mr. PANUNZIO. No; I did not make that statement. I said all the countries that are immigration countries have restrictive and selective provisions.

Mr. CABLE. The fact is the United States is about the only nation that has a large influx of aliens?

Mr. PANUNZIO. That is, that had large numbers previous to the present war.

Mr. CABLE. And still has under the present law?

Mr. PANUNZIO. Oh, no. The South American Republics receive large numbers of immigrants.

Mr. CABLE. Large numbers from Italy?

Mr. PANUNZIO. Yes; large numbers from Italy. And I have had a conversation with a man who has just returned from South America, and he tells me that the Germans are going into those countries in large numbers and are colonizing whole sections of South America.

Mr. CABLE. And Canada has so much land up there that they encourage immigration in every way they can, do they not?

Mr. PANUNZIO. But the Canadian system, I think, is very excellent. Of course, Canada can do what we can not do. Canada selects occupationally and primarily from within the British Empire.

Mr. CABLE. Then they can not keep them when they get them, can they?

Mr. PANUNZIO. They can. The net result is better than is produced by our system. You must always compare final results.

Mr. McREYNOLDS. What about Australia?

Mr. PANUNZIO. Australia receives on the restrictive basis, and encourages primarily subjects of Great Britain, as does Canada.

Mr. RAKER. Is it not so primary that there are practically no other races there in Australia?

Mr. PANUNZIO. Practically, yes.

Mr. RAKER. And they have a law by which they can do it?

Mr. PANUNZIO. Yes.

Mr. FREE. The immigration official can keep out anyone he wants to keep out, because he can take a Hindoo and ask him to read Greek, and he can take a Greek and ask him to read a German book.

Mr. PANUNZIO. I am not attacking this immigration question from the subjective or racial point of view simply because we have no data

on which to base final conclusions as to superiority or inferiority of races; but I am maintaining that an elastic system that will place in the hands of an administrative board the authority to admit one immigrant or no immigrant at all is far superior to our present system.

Mr. CABLE. Do you base that entirely on the need or lack of need of labor?

Mr. PANUNZIO. Not on that alone.

Mr. CABLE. On what else do you base it?

Mr. PANUNZIO. You already have provisions in the law and I am not asking for the abrogation of those provisions.

Mr. CABLE. You want an elastic board that can, if we need one man, let one man in?

Mr. PANUNZIO. Yes.

Mr. CABLE. That is, if they need one man for labor?

Mr. PANUNZIO. Yes.

Mr. CABLE. Is that the only basis?

Mr. PANUNZIO. Not at all.

Mr. CABLE. What other basis, concretely?

Mr. PANUNZIO. First of all, you have the various excluded classes in the law, have you not, which eliminate certain so-called undesirables? And if you trace the history of immigration legislation you will find that you began with certain classes and gradually increased until you have reached now something like fifteen or so classes, if I remember correctly, which are definitely specified and are kept out. Now those are primarily the groups which are kept out because of lack of ability to fit into the social fabric of the United States.

Mr. CABLE. Suppose we did not need an additional man for labor for 10 years, would you admit him for any other reason?

Mr. PANUNZIO. I would not, not for the time being.

Mr. CABLE. Then your idea is that the need of labor is the sole basis for immigration in this country?

Mr. PANUNZIO. I also advocate the assimilability basis for admission.

Mr. WILSON. When you admitted immigrants on the ground of labor requirements would you have any excluded classes?

Mr. PANUNZIO. Not on the basis of countries. I would have them on the basis of occupations of need and of assimilability.

Mr. WILSON. Would you exclude absolutely Japanese and Chinese?

Mr. PANUNZIO. That brings up another question. That is the larger question of the amalgamation of parent races.

Mr. WILSON. If you had charge of this legislation would you have a discriminative provision absolutely excluding the Chinese and the Japanese?

Mr. PANUNZIO. I would have a tendency to do it.

Mr. WILSON. Well, would you do it?

Mr. PANUNZIO. I would do it as in the present laws or treaties, with possible minor changes.

Mr. McREYNOLDS. You base your system on the social and economic conditions?

Mr. PANUNZIO. Yes.

Mr. McREYNOLDS. Can they always be the same, the social and economic conditions?



Mr. PANUNZIO. You can not always separate the social, economic, and political conditions of the country.

Mr. McREYNOLDS. An immigrant might be a proper man economically and not a proper man socially?

Mr. PANUNZIO. Yes.

Mr. McREYNOLDS. How would you play them together, and if you can not play them together, which would you put first?

Mr. PANUNZIO. The two can be played together. I believe that it is best not alone for the United States, but also best for the world to have a more or less restrictive immigration policy.

I am not standing for a liberal policy at all. I am standing for a restricted policy based upon the social and economic needs of the country at a given time. That social and economic need should be determined not by "heat" but by thoroughly scientific study.

Mr. McREYNOLDS. Not by what?

Mr. PANUNZIO. Not by heat, but by some light, if you please.

Mr. WATKINS. Let me ask you this question concerning your own State: Suppose the Merchant Tailors' Association of Portland, Oregon, wanted to bring in some Finnish tailors and suppose it was your view that the city of Portland did not absorb Finns, what would you do?

Mr. PANUNZIO. I would take both things into consideration, and I would not admit them. Pardon me, if I might continue just a word on that.

Mr. WATKINS. Yes.

Mr. PANUNZIO. Immigrant communities are often misrepresented, I investigated, for instance, the Finnish colony at Astoria, to which you refer, I believe I was down there just recently. You must remember, gentlemen, that many of these newspaper clippings that are presented are not based on actual facts. You know that for yourselves—you have been before the public long enough to know that many a time you are misrepresented and your words are not even quoted correctly. So it is with many a situation in an immigrant colony. I have lived in immigrant colonies as a student, I have gone steerage for the purpose of discovering the soul of the immigrant, I have tried as objectively as I knew how to get at the actual situation regardless of these high controversial matters of racial capacity, etc., and I have come to the conclusion that many a situation reported by the press is a beautiful thing that is not so, that does not exist. And the Chairman himself has been quoted to me as having said that of all the people who were arrested, for instance, in Seattle, evidence could be produced against only ten per cent of them.

The CHAIRMAN. That was for certain offenses supposed to be against the Government.

Mr. PANUNZIO. Yes, sir.

Now I say, as to many of these reported situations we do not have at our disposal a body of social data upon which we can definitely determine what the actual conditions are but are guided by mere hearsay.

Mr. FREE. Professor, I agree with you that it would be a most ideal situation if we could have selective immigration, but have you

given consideration to the tie-up we are in with treaties with other countries?

Mr. PANUNZIO. I have.

Mr. FREE. Do you think it possible with the treaties outstanding to have any real system of selective immigration?

Mr. PANUNZIO. I do, and I will refer you to Tittoni and what he had to say on that very subject. Tittoni is an outstanding Italian statesman. He was here two years ago as a lecturer before the Institute of Politics, and in his book "Modern Italy," the question he definitely states that from the point of view of Italy such agreement could easily be reached.

Mr. DICKSTEIN. The question you answered as asked by the Congressman was that you could do it under the present treaties.

Mr. FREE. Without changing the treaties?

Mr. PANUNZIO. Not necessarily, no.

Mr. DICKSTEIN. You are not answering the question.

Mr. PANUNZIO. I would say that treaties would probably have to be changed. I thought you said "under treaties".

Mr. BACON. In other words, a separate treaty would have to be made with each country to cover that particular point?

Mr. PANUNZIO. Probably.

Mr. BOX. In forming your opinion that it could be done would you take the statement of one professor as to what the United States would certainly do?

Mr. PANUNZIO. No; I said Tittoni is a statesman.

Mr. BOX. You spoke of him as an authority.

Mr. PANUNZIO. Yes; he is a statesman and an authority. He has been a Senator for a great many years and approaches the question from the point of view of a practical student of the subject, just as you would, Mr. BOX.

Mr. BOX. Suppose he is a Senator and one member of the Italian Government at some time, or possibly at the present time, would you say that his expression of opinion as to what could be done or would be done by Italy would satisfy you as to what that government would do now or five years hereafter?

Mr. PANUNZIO. I can not answer such a indefinite question.

Mr. BOX. That is all the data you have submitted and I wanted to know if that logic is sound.

Mr. PANUNZIO. He is not the only one on that, Mr. BOX. There are a great many other students.

Mr. RAKER. You stated, Doctor, that you agreed with Mr. Emery.

Mr. PANUNZIO. Yes; in general—

Mr. RAKER. Yes; his general proposition upon an elastic admission.

Mr. PANUNZIO. Yes; but I qualified that statement by saying within specified limits.

Mr. RAKER. Well, let us get down to it. Do you agree with Mr. Emery that if you had such an elastic provision that you should or would repeal the contract labor law?

Mr. PANUNZIO. Would repeal the contract labor law?

Mr. RAKER. Yes.

Mr. PANUNZIO. Yes; I would have a tendency to do that.

Mr. RAKER. What I am getting at is, you want an elastic law for the purpose of admitting labor when people apply for it?

Mr. PANUNZIO. Yes.

Mr. RAKER. And then you would repeal the contract labor law so that the people desiring labor could go abroad, contract for it, and then upon making the showing they would be admitted?

Mr. PANUNZIO. I would not subscribe to that general proposition.

Mr. RAKER. How far would you go?

Mr. PANUNZIO. I am not prepared on the details of such a plan.

Mr. RAKER. Are you in favor of such a principle?

Mr. PANUNZIO. In general; yes, sir.

Mr. RAKER. Do you not believe a policy of contract labor is the very thing that will ruin any country?

Mr. PANUNZIO. Well, it is not ruining France, for instance.

Mr. CABLE. The Italians go back when they finish the job, do they not?

Mr. PANUNZIO. Practically, yes; that is, some of them do.

Mr. CABLE. And they do not have the expense of going back across to Italy that would be involved if they came here and had to go clear back to Italy?

Mr. PANUNZIO. You have to take into consideration, Mr. Congressman, that there is always a large flood of emigration from this country. That is one thing that has not been taken into consideration, it seems to me, in the general discussion.

Mr. CABLE. Not to France.

Mr. PANUNZIO. Not only from France, but from this country.

Mr. CABLE. I mean from Italy to France.

Mr. RAKER. Pardon me a moment. I want to get his view. Now, you are in favor of that policy?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Would you be in favor of bringing such laborers thus contracted for and to have their wives come with them?

Mr. PANUNZIO. Well, I might have a provision—as I say, Judge Raker, I am not prepared—

Mr. RAKER. You are trying now, Professor, to tell us what we ought to legislate on.

Mr. PANUNZIO. Yes; I am trying to give you the general policy. You are the legislators, not I. If I were the legislator I would go into the details.

Mr. RAKER. We are going into the question now of an elastic system of that kind.

Mr. PANUNZIO. Yes, sir; but I would adjust it to the conditions.

Mr. RAKER. When you bring a laborer in would you bring the wife of that laborer in here also?

Mr. PANUNZIO. I say I would adjust it in such a way as to meet the requirements.

Mr. RAKER. Let us hang onto this for a moment. Here is an industry wanting 1,000 men as steel workers, and the department under this system you are figuring on says that they are entitled to bring in 1,000 laborers, and those 1,000 men are all married: would you let their wives come in with them?

Mr. PANUNZIO. I would not answer it so categorically. You want to pin me down, Judge Raker, to a categorical question.

Mr. RAKER. I do not want to pin you down at all; but just as a human being, a man coming here as a scientist talking to us on im-

migration, and you have advocated a system or a policy of immigration. Now the 1,000 men you say ought to be admitted?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. And they are all married.

Mr. PANUNZIO. Yes.

Mr. RAKER. And I am now asking you whether or not under this system of yours you would permit their wives to come in with them?

Mr. PANUNZIO. I can not answer that question. It is not a fair question. It is not fair for me to be asked such a question, Judge Raker, because, in the first place, you will not have a thousand men who are all married.

Mr. RAKER. Let us get it down to 500 who are married.

Mr. PANUNZIO. But not all of the 500 would ask to bring their wives.

Mr. RAKER. All right; let us say only 300 asked to bring their wives, what would you do with the 300 who asked to bring their wives?

Mr. PANUNZIO. I would admit them. I would encourage the family unit, as I said before.

Mr. RAKER. You would admit the 1,000 laborers, 500 of them married, and 300 of them who wanted to bring their wives and you would admit the 300 wives with that 1,000 men, and they would work here for four or five years and when the work was completed you would want them to return, would you?

Mr. PANUNZIO. Well, I am not altogether certain that I would answer affirmatively to your last question.

Mr. RAKER. You mean to let them come in and after the job is finished you would let them stay?

Mr. PANUNZIO. Not necessarily. You would have to take into consideration the emigration movement.

Mr. RAKER. I want to know, Professor, how elastic it was going to be.

Mr. PANUNZIO. Yes.

Mr. RAKER. Would you make it elastic enough so that when the work was completed and there was no more necessity for them to remain here for that work that you would have them return whence they came?

Mr. PANUNZIO. You would have to take into consideration a number of things. In the first place, you would have to take into consideration your then present situation. Even under the contract, if he has been in this country a number of years, naturally if he wanted to become a citizen he would become a citizen; but in many cases where he would not want to become a citizen and did not desire to stay in this country then he would, as he does at present, go back to the parent country.

Mr. RAKER. Then you would let him in first if he is a good laborer and was needed for the kind of work that he could do, irrespective of whether he would be a citizen or not, would you?

Mr. PANUNZIO. No; he would have to express a desire. But, Judge Raker, for instance, you have a provision in H. R. 101 which says that a man has to express a desire before being admitted to become a citizen of this country. Do you realize what that means? Do you realize that you are asking people to subscribe to a thing

about which they know very little? And you are saying that you are going to take them in on the condition that they express a desire to become members of our society even before they have seen it?

Mr. RAKER. I am talking exclusively and entirely upon what you suggested relative to an immigration law as it should be.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. A law elastic and that should be applied to the needs of the industries of the country, to let men come in to work.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Now I am going on that exclusively.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. And I should like to develop just a word or two more from you on the matter. I am asking you again now, would you let those men come in to do that work?

Mr. PANUNZIO. I would,

Mr. RAKER. Irrespective of whether they would make good citizens or not?

Mr. PANUNZIO. No; I have answered that question half a dozen times, sir. I said that you must take into consideration their capacity for social assimilability, the power of these people to enter into the body social of this country, and over and above that have the elastic element based on the labor need.

Mr. RAKER. Let us put it this way: Supposing the work of this 1,000 men I have talked about is completed.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. And there is no more need for them here, they have completed the work in five years, should they be returned to the country from which they came?

Mr. PANUNZIO. You can not answer that question by yes or no, you have so many factors to take into consideration. Humanly speaking, you would not want to deport them all, or to send them back—you do not need to use the word "deport"; but you would have a situation there that is easily dovetailed with the entire economic and social needs of the country. If those men were not good citizens, I would have a tendency to send them back.

Mr. FREE. I think the professor feels just as we do, but, like us, when he gets down to details he has to work them out.

Mr. WATKINS. Let us follow Judge Raker's proposition on a concrete matter, Professor. Suppose that the people out in Oregon wanted 1,000 Finns, there were 500 of them married, there are 300 of them who want to bring their wives, as Judge Raker has put the proposition. Now, do you know the hope of a Finn girl is to go into the domestic service while her husband goes into the manufacturing world?

Mr. PANUNZIO. Yes.

Mr. WATKINS. The domestic field is crowded with American women.

Mr. PANUNZIO. Pardon me. It is not so that the domestic field is crowded with American women.

Mr. WATKINS. We will say it is. What would you do with them then?

Mr. PANUNZIO. You can not say that, because it is not so.

Mr. WATKINS. I am saying, suppose the Finns would bring in 300 of their wives who would enter into the domestic life of our com-

munity; we need these Finns as laborers in our economic life, and they bring 300 wives who affect the domestic life, what would you do; bar them all or let them all in, or what would you do?

Mr. PANUNZIO. In the first place, it would not be correct to say that all 300 wanted to go into domestic service.

Mr. WATKINS. Say that 200 of them might.

Mr. PANUNZIO. That would not be—it would not occur.

Mr. WATKINS. Suppose it might occur.

Mr. PANUNZIO. Well, it might—what is the use? I see no reason to solve a problem which does not exist.

The CHAIRMAN. In other words, you can not carry out the details of the elastic plan.

Mr. PANUNZIO. I think you can, Mr. Chairman, with proper attention to it.

Mr. RAKER. Let me ask one question in conclusion: Assuming the 1,000 men did perform their work and that they would be a detriment here on the economic question, although under the law they could be naturalized, and they have the 300 wives that we have no need to have come, but you let them come, and they ought to be deported, and you send them out, what would you do with the children born in the United States?

Mr. PANUNZIO. Well, there would not be much of a question there.

Mr. RAKER. Oh, no!

Mr. PANUNZIO. Just a moment, Judge Raker. It does not seem to me that you are——

Mr. RAKER. I am talking on actual human conditions that appear every day.

Mr. PANUNZIO. Such situations do not arise.

Mr. RAKER. You men who are writing books do not figure upon the actual human conditions that exist.

Mr. PANUNZIO. Yes; we do.

Mr. CABLE. You are right, Judge.

Mr. PANUNZIO. We do, Judge Raker. We are infinitely—if I may say it—we are infinitely nearer to the questions than you. I have lived in immigrant communities, sir.

The CHAIRMAN. Mr. Panunzio, we hear every day of some man who came here to labor and has been here for 12, 13, 14, or 15 years, when he suddenly discovers that he has forgotten his wife and children, and there are restrictions in the way of getting them here. That is a human problem that we have on our hands.

Mr. McREYNOLDS. I just want to ask this from the economic aspect: Suppose we adopted the elastic plan you suggest, do you not know we should create a constant and bitter fight between capital and labor in this country?

Mr. PANUNZIO. Yes; I said I realized what that means. But that situation exists to-day, under our present system or lack of system.

Mr. CABLE. You speak about immigrant communities in this country.

Mr. PANUNZIO. Yes.

Mr. CABLE. Are they good things for the United States?

Mr. PANUNZIO. I do not think so—far from it.

Mr. CABLE. They are increasing in size and population right along, are they not?

Mr. PANUNZIO. Yes.

Mr. CABLE. Judge Sabath spoke about Chicago having 46 per cent of foreign-born population.

Mr. PANUNZIO. Yes, sir.

Mr. CABLE. What is the remedy for that situation?

Mr. PANUNZIO. I would say to apply some legislation to the internal aspect of immigration rather than to the external.

Mr. CABLE. You do not believe in enforced naturalization, do you?

Mr. PANUNZIO. No; I do not.

Mr. CABLE. Can you enforce any law that will prevent a foreign born from going to New York and Chicago and the other large cities?

Mr. PANUNZIO. No; you could not pass a law to that effect.

Mr. CABLE. Then how could you keep them away from the large cities?

Mr. PANUNZIO. Pass a law which will direct them to sections of the country where they are needed and that will aid them constructively.

Mr. CABLE. What if you directed them to Iowa or Kansas and they stayed there two weeks and then went to Chicago—would you send them home?

Mr. PANUNZIO. No, sir; that does not occur.

Mr. CABLE. It does not? It arises all the time.

Mr. PANUNZIO. No, sir.

Mr. RAKER. You take these fellows out in the country and give them the best home on earth and they will work one day, and when you get up in the morning they are gone.

Mr. CABLE. Back to the city?

Mr. RAKER. Yes; and they will take an automobile to get back; they will not walk or wait to take a train, but go by automobile.

The CHAIRMAN. Well, we have run off from the elastic immigration question.

Mr. Box. I want to ask a serious question about his elastic plan, if I may.

The CHAIRMAN. Yes.

Mr. Box. As I understand you, professor, your plan is to provide some such board as that suggested by Mr. Emery?

Mr. PANUNZIO. Yes, sir.

Mr. Box. And have that board determine when there is an economic and social need for these people and a place that they can find in America so as to be absorbed into our society and our industrial and political life?

Mr. PANUNZIO. Yes, sir.

Mr. Box. You want that board to determine it and to run up and down the scale of admissions so as to supply those places and close the door when there are no such places?

Mr. PANUNZIO. Yes, sir; within specified limits.

Mr. Box. Now, I want to submit one or two facts, and I will not make them hypothetical. In 1920 and 1921 this committee had even more good visitors than we have had this week from New York, from Philadelphia, from Baltimore, and from elsewhere, asking us to admit 4,000,000 of Russian and Italian laborers, mainly those classes. They expressed preference for them. Mr. Emery, you re-

member, admitted that he testified in behalf of his committee that we were short three and one-half millions at that time, and he now says that the door should then have been closed. You heard him say that, did you not?

Mr. PANUNZIO. Yes, sir.

Mr. Box. Now, suppose there are three Cabinet members, loaded down with all their duties, or three subordinates, often chosen from political consideration—you know what the frailties of politics are.

Mr. PANUNZIO. Yes.

Mr. Box. And such a group of men as this committee had 50 or 100 most substantial, reliable business men—racial groups in it? Yes. Industrial groups in it? Yes. Great banks and railroads in it? Yes. Everyone earnestly insisting before this board that this need was in existence when it was not, and they all say now that it was not. This committee did not grant the supply. Do you think that that board, selected out of political considerations to a good measure (for you know they prevail in these appointments) would be more apt to accurately know and deal with the situation than Congress would? Now, what is the point? Do you mean that this board would be more responsive to the public will and to the public need than the elected representatives in Congress?

Mr. PANUNZIO. No, sir.

Mr. Box. Then why does not Congress deal with it adequately and why would that board deal with it better? That is what I want to know as a practical question.

Mr. PANUNZIO. I would not leave the matter to indefinite data, such as you have had represented in this body.

Mr. Box. I am talking about the data that would get to the board.

Mr. PANUNZIO. Yes, sir. This board would base its recommendations upon the findings of the census, or upon the findings of the actual economic conditions at a particular time.

Mr. Box. They would have to gather that from information furnished them?

Mr. PANUNZIO. They could gather it from statistical information and from field investigation.

Mr. Box. They can not sit here in Washington and know the conditions of the country, can they?

Mr. PANUNZIO. For instance, Judge Box, to-day we are able to discover with quite a degree of accuracy what the financial situation is to be within a certain period.

Mr. Box. How far ahead?

Mr. PANUNZIO. Six months ahead, a year, sir. Your economic cycles to-day are very carefully charted and planned, and your labor employment and unemployment can be charted in the same manner.

Mr. Box. What would you say the statement submitted to you from the record of the great National Association of Manufacturers represented by Mr. Emery and of all these building groups and all these others that appeared before the committee—and I can submit the hearings to you—telling that this country was in imminent peril of immediate distress from a lack of labor?

Mr. PANUNZIO. I would not take their statement.

Mr. Box. Where would you get your information, then?

Mr. PANUNZIO. I would get my information from the actual field.



Mr. Box. You would have to get it through human channels, would you not?

Mr. PANUNZIO. Yes; but you would have it from representatives of the Government.

Mr. Box. Would you send men all over the country?

Mr. PANUNZIO. As is being done by various departments of the Government now.

Mr. Box. Suppose you sent agents through the country and you wanted to learn what the industries needed, would you send them to the college professors or to the heads of manufacturing and railroad establishments to get the information of what was needed?

Mr. PANUNZIO. I would send them in turn to governmental representatives and employment agencies in different States, in the various sections of the country, etc.

Mr. Box. And would they give that information through all this long path of government routine any more accurately to your government agent than they will now give it by an agent sent directly here to this committee?

Mr. PANUNZIO. I think so.

Mr. Box. You think so?

Mr. PANUNZIO. Yes, sir.

Mr. Box. I have no more questions.

Mr. DICKSTEIN. Your idea of it is, then, summing up your whole argument, that you are against the 3 per cent quota based upon the census of 1890, the principle which would follow this bill?

Mr. PANUNZIO. I am against the principle; yes.

Mr. DICKSTEIN. Your idea is to follow the theory of the gentleman who spoke yesterday regarding the selective immigration, to give the country what it needs?

Mr. PANUNZIO. Yes, sir.

Mr. DICKSTEIN. If we had such a law to-day and you were 16 years of age coming from Italy, how would you get into this country?

Mr. PANUNZIO. If I could not get in, I suppose I would have to stay out.

Mr. DICKSTEIN. You would have to stay in Italy?

Mr. PANUNZIO. Yes, sir.

Mr. DICKSTEIN. And yet you have contributed a lot of ideas, and you are teaching our American children philosophy as well as sociology and general conditions in this country, is that right?

Mr. PANUNZIO. Well—

Mr. DICKSTEIN. You are teaching?

Mr. PANUNZIO. Yes; I am teaching sociology and economics.

Mr. DICKSTEIN. And we would not have the pleasure of having you here to-day and our American children would not have the pleasure of receiving your instruction; is not that so?

Mr. PANUNZIO. Perhaps it would not have been any great loss.

Mr. DICKSTEIN. Oh, I don't know.

Mr. FREE. Is it or is it not true that most of these people coming over bring the customs and traditions of the countries whence they came?

Mr. PANUNZIO. Yes. But I think, gentlemen, that you do not realize what those ideals are. American idealism was instilled in me long, long before I ever saw America.

Mr. WHITE. Will you let me interrupt your statement?

Mr. PANUNZIO. Yes.

Mr. WHITE. Did you not say just a few moments ago that in making their declaration of intention to become American citizens that we are admitting people who do not know anything about America? Did you not say that a moment ago?

Mr. PANUNZIO. I did not say that.

Mr. WHITE. I understood you to say that.

Mr. PANUNZIO. No, sir; I made no such statement.

Mr. SABATH. He was referring to the provision of the bill that before entry they declare their desire to become citizens, and that they do not know whether they might want to stay.

Mr. WHITE. Does the gentleman correctly interpret your statement?

Mr. PANUNZIO. Yes, sir; I was criticizing that. I was simply saying there—

Mr. WHITE. That they do not know anything about America?

Mr. PANUNZIO. Yes. That is, not enough to want to promise to become citizens before entering.

Mr. WHITE. Let me continue my interrogation. Is it not fair to assume that those persons who, like yourself, have studied American ideals, would know more about America than a foreigner who received word that a certain number of laborers along his craft were wanted in the United States? I think your statement is a reflection on the immigrant himself. You do not assume any position of superiority, do you?

Mr. PANUNZIO. No, sir; I do not.

Mr. WHITE. You had studied American ideals?

Mr. PANUNZIO. Yes, sir.

Mr. WHITE. I am disposed to think that those people who want to come here enough to arrange for it—it may be selfish, because we are all more or less selfish and probably that is commendable, because that is the strongest instinct in humanity without question—but there are other considerations, and it is fair to accord to them the same degree of interest in the subject of their future as to yourself.

Mr. PANUNZIO. Proportionately, yes; I would say I have no objection to that. I have given considerable thought to the subject, and I wish to state that my investigations abroad and my investigations among immigrants in this country have shown me that if we could only give them an opportunity to develop their ideals of America we would have an entirely different situation in this country.

Mr. RAKER. After 40 years of study and traveling in the United States, I can not conceive where there is one single thing or one place that an immigrant is not given every opportunity on earth and the same opportunity that an American citizen has.

Mr. PANUNZIO. You just live among immigrants.

Mr. RAKER. I would like you to just point out one where he is denied that same opportunity as an American has. Just give us one illustration.

Mr. PANUNZIO. I prefer not to give it.

Mr. RAKER. I would like to have you to do it. It is rather important.

Mr. PANUNZIO. I think Judge Cottilo gave some illustrations yesterday.

Mr. RAKER. I would like to have yours rather than the judge's. You say they are not given an equal opportunity.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. My experience is that they are given more opportunity.

Mr. PANUNZIO. All right, let me give you an illustration of an excellent gentleman who in Portland, Me., where I was living at the time, came to act as vice consul for Italy. He was a man of refinement and of culture, wanted to live in the American community and not in the immigrant colony. That man started to seek a home in the American community and, to make a long story short—I have written up the story elsewhere, and I can give you the name if it is necessary, and I can tell you where the gentleman is now and you can find out for yourself whether he is a gentleman or not—that man was unable to secure decent living quarters in the American community.

And that can be multiplied a thousand times, sir. And you talk about equal opportunity. Is that an equal opportunity? I could cite a thousand cases where men have actually knocked at the door of America and wanted to become a part of the American community, and you, the average American, have turned him back into the immigrant colony, bitter and sore at us. And I have seen immigrants leave this country. I have gone in the steerage with them for the purpose of discovering their real minds and their attitudes toward this country, and I have discovered many occasions where they have not had a real opportunity to become a part of America.

Mr. RAKER. That is one man who failed to rent a building in a particular community and he felt aggrieved, is that it?

Mr. PANUNZIO. Of course he felt aggrieved.

Mr. RAKER. Take this one case. What was the reason he was unable to rent a building in the particular community?

Mr. PANUNZIO. He was an Italian. He was a "Dago."

Mr. RAKER. Was that the only reason?

Mr. PANUNZIO. That was the only reason that was given us.

Mr. RAKER. What was the name of this town?

Mr. PANUNZIO. Portland, Me.

Mr. RAKER. In the great city of Portland, Me., he wanted to get a house in a particular place?

Mr. PANUNZIO. Yes.

Mr. RAKER. And he could not find a place to rent and he got mad?

Mr. PANUNZIO. I did not say he got mad.

Mr. RAKER. Well, felt hurt.

Mr. PANUNZIO. Of course he felt hurt,

Mr. RAKER. If the buildings were all occupied, how could he get any?

Mr. PANUNZIO. There were vacant houses. If you went to Rome and wanted to locate in a given part of a community and you were discriminated against simply because you were an American, would you not feel hurt?

Mr. RAKER. I would go to another place and get a building.

Mr. PANUNZIO. That is easy to say.

Mr. HOLIDAY. There is one question I want to ask. When the immigrant knocks at the door and wants to enter, you believe that the

controlling factor should be not his desire to enter, but whether or not his entering will be for the best interests of the American Government?

Mr. PANUNZIO. Oh, yes, sir. The American people, perhaps I would say.

Mr. HOLADAY. I mean the American people.

Mr. PANUNZIO. Yes, sir.

Mr. SABATH. You just stated something about the conditions of some of the immigrants and cited instances of their leaving. What is the main reason that immigrants will settle in a section or in a group or in a locality where it is claimed they are living en masse? Can you give the reason that your investigation shows?

Mr. PANUNZIO. Yes, sir. I find, in the first place, it is the perfectly human and reasonable thing that people will go or have a tendency to go where their friends are. In the second place, they will go where their language is spoken, more or less their customs exist; but they go usually temporarily. But even more potent than that is the fact that they are always, as in the case I cited, discriminated against and made to feel as if they were not wanted in the real American community.

Mr. SABATH. And is it not also this fact, that in the majority of cases the immigrant goes to those sections because they are the poorest sections of a city or community?

Mr. PANUNZIO. Yes, sir.

Mr. SABATH. And that he can much more easily find a place at a much lower rate than in some fancy residential American section?

Mr. PANUNZIO. Yes, sir; he could not get there.

Mr. SABATH. Are you familiar with the conditions in Chicago?

Mr. PANUNZIO. Not at all, sir. I have only passed through Chicago a number of times.

Mr. SABATH. Are you familiar with the living conditions in Chicago?

Mr. PANUNZIO. I never have remained there any length of time.

Mr. SABATH. You did not investigate the conditions?

Mr. PANUNZIO. No, sir.

Mr. SABATH. And the standard of living of foreign born and those of foreign parentage in the city of Chicago?

Mr. PANUNZIO. No, sir.

Mr. SABATH. As compared with the other cities?

Mr. PANUNZIO. No, sir. Some of your own citizens have been studying them, but personally I have made no study.

Mr. SABATH. I will say this to you, and it may aid you in your work. I honestly believe that the standard of living in the city of Chicago, notwithstanding it contains 46 per cent of foreign-born and those of foreign parentage, is higher to-day than ever in the history of the United States, and also that the wages are higher and conditions are better than any other city that I know of in America.

Mr. FREE. You come from Chicago, do you not?

Mr. SABATH. I do and I am proud of it, and you should be proud of that.

Mr. HOLADAY. On the question of discrimination, is that peculiar to the American, or is it not a fact that if I should go to Italy there would be a tendency among the Italians to discriminate against me?

Mr. PANUNZIO. If you belonged to the same class to which the average Italian who comes to this country belongs, there would be a tendency to discriminate against you. But if you go in your class to-day the situation would be different.

Mr. HOLADAY. You find that tendency towards discrimination among all nations?

Mr. PANUNZIO. Yes, sir; more or less.

Mr. WATKINS. May I ask you this final question? Assuming the committee would not adopt your views in writing this bill, tell us what you think of the quota basis of 1890, or do you prefer the present act of 1910, or would it be bad or good to suspend immigration for, say, five years until we really determine and ascertain what we actually ought to do?

Mr. PANUNZIO. I said to the chairman this morning, and I have stated on other occasions, that if I had my way—and I realize this is the extreme—I would put this American Nation of ours under the microscope, as it were, for 10 years. I would shut the gates entirely and study the effect it would have upon the birth rate, upon the death rate, upon the economic situation, upon labor, sources of labor, upon wages, and upon everything else. But, of course, it is impossible.

Mr. WATKINS. You would, in that event, if it were left to you, suspend immigration entirely for a period of 10 years?

Mr. PANUNZIO. I certainly would. That is, if it were possible.

Mr. DICKSTEIN. If it were possible. That is the point.

Mr. WATKINS. Leave it to the vote of the American people and you will find out.

Mr. Box. You pointed to the case of what you regard as discrimination because under the facts as you understand them a group of Americans in a Portland community did not want a certain man to live in their community. Now, you do not understand that the National Government could have interfered in a case like that, do you?

Mr. PANUNZIO. I do not understand that? I understand that the National Government could not interfere.

Mr. Box. That is what I say, you understand it could not?

Mr. PANUNZIO. Yes, sir.

Mr. Box. You understand this committee could not deal with such situations as that?

Mr. PANUNZIO. Yes, sir.

Mr. Box. We might even assume we are of a benevolent disposition and would like to relieve every one of these prejudices existing among different racial groups.

Mr. PANUNZIO. Yes, sir.

Mr. Box. However we might like that, we are about like you are with the suspension, we know it is not possible. We have the history of our race question with our blacks, for instance, and what it has meant to the United States in war, in sectionalism, in everything else. We have the example of the Balkan States, we have the persecution of the Hebrew people for 2,000 years in 100 countries, we know how thoroughly this question of race is instilled into the life and prejudices of men, we know we can not eradicate it, we know it has been the chief source of trouble in many lands. You say it is the chief source of our trouble with aliens here. Now, knowing that

it is a fixed quantity, or that it will only be removed in the course of ages ahead, in whose affairs we will have no part, we have got to deal with the question as to how far we will augment it by building up groups here and there, alien communities without number. And we are witnessing at this time the growing of this feeling. We are not able to deal with Utopian conditions, but we are dealing with conditions in America, actual and prospective. Now, do you think it is a desirable thing for us to augment conditions that may be unjust, that may reflect on humanity—they make brothers tear out each other's eyes—do you think we ought to hasten and magnify those conditions in the United States?

Mr. PANUNZIO. I certainly do not.

Mr. Box. Do you think we can eradicate racial hatred?

Mr. PANUNZIO. No, sir; not in the present state of development, but I think a bill like this simply increases racial hatreds; that is all.

Mr. Box. Now, supposing we already have a great number of people who say we have come to this country, and our brothers across the sea must come, and you are discriminating if you do not love them as much as we do. Supposing you have that condition and they say you must let in more or we will become disloyal, we will become Bolsheviks, or we will tend in that direction, do you think that tends to quiet our apprehension? Do you think it should do it? You get in three men and they say, "If you do not let in four we will raise the mischief." Then do you think that we should let in four, and let them raise the mischief because we do not let in five?

Mr. PANUNZIO. No; nor do I think if you handle the question of immigration on a thoroughly scientific and humane basis, that you would have that situation. I do not think you would have that situation, because you have had restriction. Italy has taken to the question of illiteracy very nicely. You have heard what Judge Cotillo said. Italy recognizes that we have a right to say that illiterates shall not be admitted to this country, and there is no war about it. And if to-morrow you say there is no work to come here for, there would be no people in this country that would resent it.

Mr. Box. Do you know whether or not representatives of Italy have said to citizens of the United States dealing with this very question that at the close of the war 1,500,000 of our people having been kept out of the United States, you owe us that greater credit on immigration and should in justice make it up?

Mr. PANUNZIO. I have no knowledge of that.

Mr. Box. You do not know that that is the fact?

Mr. PANUNZIO. I do not.

Mr. Box. But if it is the fact, you think there is something a little unwholesome in Italy's attitude?

Mr. PANUNZIO. I think so; not only Italy, but any other country. So long as we admit the principle of sovereignty, why, of course, each country is sovereign in itself.

Mr. Box. I suggest that you study the hearings of this committee when they are finished and see whether or not Italy said that.

Mr. PANUNZIO. I shall be glad to do that.

Mr. RAKER. Mr. Chairman, during the settling of certain conditions, I would like to ask a couple of questions.

The CHAIRMAN. All right.

Mr. RAKER. Professor, you are opposed to the present law known as the 3 per cent law fixing the quota on 1910, are you?

Mr. PANUNZIO. I am not.

Mr. RAKER. You are perfectly satisfied with the 1910 census?

Mr. PANUNZIO. I am satisfied that it shall continue in force until such time as a more scientific basis is reached.

Mr. RAKER. You think 1910 is scientific enough for the present?

Mr. PANUNZIO. Until such time as you have based a law upon a more fundamental basis.

Mr. RAKER. What is the matter with the 1890 census?

Mr. PANUNZIO. Well, the very matter that is back of your mind in adopting the date.

Mr. RAKER. Well, but tell me.

Mr. PANUNZIO. Well, it has been said—

Mr. RAKER. I want it from you.

Mr. PANUNZIO. Very well. I think you are increasing race prejudice. I do not give a hang—pardon my using that language.

The CHAIRMAN. It is very appropriate.

Mr. PANUNZIO. It does not matter to me personally whether you think me inferior or superior racially. I do not care. But I say from the point of view of a man who is interested in human welfare and in the welfare of the fraternity of nations, is interested in peace among the races of man, I simply say that you are increasing racial hatreds.

Mr. FREE. Let me ask you one question. Suppose we adopted your selective plan and had a board, and we had 3,000,000 immigrants who wanted to come in and that board eliminated all except 500,000, are you reducing the feeling any by turning those two and a half million back?

Mr. PANUNZIO. I think you are, provided the rejection was based on the principles I have advocated.

Mr. RAKER. Let us for just a moment talk on the race question. We have about 4,000,000 ex-service men and as I understand there has not been one single vote cast against the desire of the ex-service men to fix the quota on the census of 1890; is not that true?

Mr. PANUNZIO. I am not aware that that is true.

Mr. RAKER. I think that ought to be fully brought out before the committee. We are talking about racial matters, we are talking about certain nationalities being in the war, and we have now had four conventions of ex-service men and we have had post after post acting upon this question, and up to date there has not been a racial group or a single individual of the ex-service men but what has stood on fixing the percentage on the census of 1890.

Mr. McREYNOLDS. Judge Raker—

Mr. SABATH. Just a moment. Judge Raker, I think they want suspension.

Mr. McREYNOLDS. Suspension for five years.

Mr. SABATH. That is what they want.

Mr. McREYNOLDS. Within certain relationship.

Mr. RAKER. No, no.

Mr. WATKINS. Yes; suspension.

Mr. RAKER. I have the full proceedings of the American Legion. They want suspension for five years if they can get it.

Mr. McREYNOLDS. That is what I say.

Mr. RAKER. Then if they can not get suspension for five years they want the quota of 2 per cent and want the census of 1890 used?

Mr. WATKINS. Yes.

Mr. RAKER. Now, there has not been one single post of the American Legion or one vote in opposition to that proposition.

Mr. DICKSTEIN. I can get you a few by Tuesday.

Mr. RAKER. If that is the case, we therefore find that the ex-service men of all nationalities stand by that proposition and do not think it is racial or prejudicial.

Mr. PANUNZIO. Of course, with all due respect to the American Legion, you have to remember that the American Legion as well as a great many other people are under the influence of a post-war reaction and that they are influenced very largely by the German war scare, the influence of which is still felt.

Mr. RAKER. You think the ex-service men in these conventions are a little hysterical on this question?

Mr. PANUNZIO. I did not say hysterical.

Mr. RAKER. You say under a spell.

Mr. PANUNZIO. I say influenced by a post-war reactionary temper.

Mr. RAKER. Are you in favor of foreign-language newspapers?

Mr. PANUNZIO. I am not. I have always stood against them and you know it, Judge Raker.

Mr. RAKER. I wanted it in the record.

Mr. PANUNZIO. I am not.

Mr. RAKER. Are you in favor of excluding from this country all of those who believe—

Mr. PANUNZIO. Yes.

Mr. RAKER (continuing). In and are members of—

Mr. PANUNZIO. Yes—

Mr. RAKER. Or affiliated—

Mr. PANUNZIO. Yes.

Mr. RAKER. Hold on. Let me ask my question.

Mr. PANUNZIO. I know your question.

Mr. RAKER. Wait.

Mr. PANUNZIO. And I say "yes" beforehand.

Mr. WHITE. Judge, will you permit an interruption to quote two lines of one of Watt's hymns?

The CHAIRMAN. Let us have Watt's hymn.

Mr. WHITE (quoting):

He knows the words that you would speak  
Ere from your opening lips they break.

The CHAIRMAN. Is that all?

Mr. PANUNZIO. I thank you, Mr. Chairman.

The CHAIRMAN. We will adjourn until Monday at 10.30 o'clock. (Thereupon, the meeting of the committee adjourned until Monday, January 7, 1924, at 10.30 o'clock a. m.)



COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*January 7, 1924.*

The committee met at 10.30 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

Present: Representatives Albert Johnson (chairman), Vaile, White, Free, Cable, Holaday, Vincent, Bacon, Sabbath, Raker, Wilson, Box, McReynolds, and Watkins.

The CHAIRMAN. The committee will be in order.

The clerk will call the roll and note those present.

(Roll call.)

The CHAIRMAN. The clerk will read the minutes of Saturday's meeting.

(The minutes were read by the clerk.)

The CHAIRMAN. You have heard the reading of the minutes. What is your pleasure?

Mr. VAILE. Mr. Chairman, I move that the minutes be approved as read.

The CHAIRMAN. You have heard the motion. Those in favor signify by saying aye; opposed, no. The ayes seem to the Chair to have it. The ayes have it. The minutes are approved.

Mr. McREYNOLDS. Mr. Chairman, is this translation that was handed me from a paper that one of the gentlemen testified to the other day?

The CHAIRMAN. No; this a New York paper, I am inclined to think. Mr. Dickstein will know when he comes.

I will say that it has been the custom of the Chair when articles in foreign languages have come in accompanied by prepared translations, such as the one now being passed around, to send the articles in a foreign language to the Congressional Library for official translation. This article, I might say for the benefit of the members who have not seen it, is in a New York Russian newspaper printed in the Russian language and purports to be a dispatch from Geneva dealing with the international affairs and describing the conditions in Russia, giving the numbers of Russians on the move trying to get toward the United States, or something to that effect. I take it that it is important on the question of active propaganda rather than as a statement of facts.

Gentlemen, the committee will have to hurry on to-day. We have present Commissioner General Husband, of the Immigration Service; Commissioner Curran, of Ellis Island; and Commissioner Clark, of Montreal, and also Mr. Lothrop Stoddard, who has recently returned from Europe and who has been asked to appear before the committee.

Is Mr. Stoddard present?

Mr. STODDARD. Yes, sir; right here.

The CHAIRMAN. If you will, take your place down near the stenographer, Mr. Stoddard. The committee learned, Mr. Stoddard, that you are willing to appear and make a statement with regard to affairs abroad, particularly with regard to prospective immigration to the United States.

Mr. STODDARD. Yes, sir.

The CHAIRMAN. We should be very glad to hear you.

Mr. McREYNOLDS. May I ask a question, Mr. Chairman, before we hear Mr. Stoddard?

The CHAIRMAN. Yes.

Mr. McREYNOLDS. Is it your purpose to have this newspaper clipping inserted in the record?

The CHAIRMAN. I did not offer it for the record, but if anyone thinks it should be inserted, I am open to the suggestion.

Mr. McREYNOLDS. I move that it be put in the record.

The CHAIRMAN. It is moved that an article from a Russian newspaper published in New York on December 13, 1923, in the *Novoe Russkoe Slovo*, dealing with the League of Nations and the prospective transfer of 500,000 refugees to America, be put into the record. Those in favor of considering this say aye; those opposed, no. It appears to the Chair the ayes have it. The ayes have it. It will be in the record.

[Extract from *Novoye Russkoye Slovo*, December 13, 1923.]

**THE LEAGUE OF NATIONS HAS A PROSPECT TO BRING (TO TRANSFER) 500,000 REFUGEES TO AMERICA.**

Geneva.—The Council of the League of Nations expressed its gratitude to the United States, Nansen, and France for the help given to the Russian refugees and their transportation to the United States. It also expressed thanks to the joint distribution committee for their help to Jewish refugees.

The council remarked upon the extraordinary activity of the New Work Russian-American committee which found work for the Russian refugees.

At the present moment the council is elaborating a plan to transfer to the United States 500,000 Russian refugees, mostly Jews, that are at present agglomerated in Poland, Rumania, and Constantinople.

However, the negotiations on this subject have met serious obstacles with strong difficulties on account of the restriction of immigration. It is intended to organize the refugees as workmen and offer work on the plantations of the Southern States to those who may wish to go.

**STATEMENT OF MR. LOTHROP STODDARD.**

The CHAIRMAN. Now, Mr. Stoddard, if you will give your name.

Mr. STODDARD. Lothrop Stoddard.

The CHAIRMAN. And your address.

Mr. STODDARD. No. 1768 Beacon Street, Brookline, Mass.; profession, publicist.

Mr. WATKINS. You are the author of the *Rising Tide of Color*?

Mr. STODDARD. Yes, sir. I have just returned from about nine months spent mainly in central Europe, the Balkans and the Near East. That is to say, in Turkey, Syria, Palestine, Transjordan, and Egypt, and, of course, the Balkans country besides.

The thing that has struck me in nearly all of these countries is the profound instability prevailing, the bad economic and political conditions and the probability that during the next few years things will get worse rather than better. All this has a very vital importance on the immigration into the United States question because it means that the pressure of people from those regions, from Europe and the Near East, especially central Europe and the Balkans and the Near East from which, of course, come the bulk of our eastern and southern European immigration, will increase markedly rather than diminish.

I was struck with the truth of the investigations of the Secretary of Labor just after the war when he stated—I think it was in 1919—that unless Europe could get back to the state that she was in before the war, there were fully 100,000,000 excess people in Europe over and above what Europe in its condition of 1919 could support.

Now, things are certainly no better than they were five years ago, taking things by and large, and the prospects are that they will get worse rather than better, with the result that there is a perfectly prodigious pressure of people seeking to escape from the bad conditions in Europe, and that the majority of those millions desire to come to America. There is no question about it.

I spoke with people of all classes, and everybody seemed to regard America as the promised land. In some countries the population would like to emigrate en masse. For example, in Syria I spoke with representative Syrians and I spoke with Americans out there, our consular people and our educational people, relief workers, and it seemed to be the practically universal verdict that if the gates were opened at least two-thirds and perhaps four-fifths of the population of Syria would like to come to the United States. And everywhere it is the same story. People want to come to America, and there is literally no limit to the number of those who potentially desire to come. Some countries, even with a relatively small population, are potential emigration centers of numerically great importance because of the bad economic conditions and also because of the disturbed political conditions. There are many minorities who desire to escape almost wholesale, almost en bloc, and who desire to come to America in great part.

As I say, the number of people who desire to come to America is practically limitless. They must be numbered, taking Europe and the Near East together, literally by the tens of millions, and that pressure will increase in my opinion in the next ten years. In other words, we have not a temporary condition but we have a permanent condition that is facing us in regard to the pressure of immigration. A waxing rather than a waning factor. And whatever dikes we set up against that flood, the pressure will be so great that, in my opinion, only legislation of a drastically restrictive nature, with no loopholes, will suffice to keep out the floods of people, largely of an undesirable character, and every loophole, in my opinion, must be carefully plugged, because it is a law of hydrodynamics that if you have a dike subjected to a great pressure the slightest crack in the dike will be sufficient to let the flood through.

The CHAIRMAN. Then you think that even with the 3 per cent act which was passed two and a half years ago for emergency purposes, there is still an emergency existing that requires that legislation or even more stringent legislation?

Mr. STODDARD. I certainly do, sir. I think, as I say, that it is not merely an emergency but it is a continuing thing, it is a waxing and not a waning factor. What we considered to be an emergency two and a half years ago is a growing factor and I consider that still more restrictive legislation is necessary to stay the flood.

The CHAIRMAN. What would you say to the suggestion that has been made that even although the pressure is such as you say, the people in those countries would be unable to get out of them and

come here by reason of the lack of money for the purchase of tickets and transportation?

Mr. STODDARD. I would say that that would be no effective deterrent because of the very fact the pressure is so great and the number of those who desire to come is so great that while the entire number of persons desiring to come might not be able to get away, yet such vast numbers would come from this vast reservoir that to us it would be an overwhelming flood even considering those who are able to get over here. When people consider it a matter almost of life and death for them to get to what they consider the promised land, they are going to rake and scrape up the money in some way or another.

Mr. CABLE. How many countries did you visit?

Mr. STODDARD. I visited England and France, I visited Germany, Switzerland, Czechoslovakia, Austria, Hungary, Yugoslavia, Bulgaria, Turkey, Syria, Palestine, Transjordan, Egypt, and Italy.

Mr. CABLE. Did you make the same inquiries of the nationals of every nation that you visited?

Mr. STODDARD. Yes, sir.

Mr. CABLE. And to how many people did you ask that question?

Mr. STODDARD. Oh, I must have asked the question of at least several hundred persons.

Mr. CABLE. In each country?

Mr. STODDARD. No; in all the countries I visited.

Mr. CABLE. Would you pick out any particular class, or would you visit all classes? In other words, what did you base your statement on?

Mr. STODDARD. I based my statement on inquiries, personal inquiries made to representatives of all social classes, or practically all social classes. Furthermore, I checked up the information which I obtained from persons in authority in those countries, from our diplomatic and consular representatives, from representative Americans, such as educators, merchants, relief workers, etc.; also by the statements of representative foreigners of other nationalities, Englishmen, Frenchmen, and the nationals of others of those countries.

Mr. CABLE. Do you speak any of these other languages?

Mr. STODDARD. Oh, yes.

Mr. CABLE. How many?

Mr. STODDARD. I speak four foreign languages. I speak French, German, Spanish, and Italian.

Mr. CABLE. And were you over there primarily on an investigation of immigration?

Mr. STODDARD. No; not primarily on an investigation of immigration, but on a general survey of political and social conditions, and immigration was one of my chief interests.

Mr. CABLE. And how long have you been interested in the immigration question?

Mr. STODDARD. I have been interested in the immigration question for at least 15 years.

Mr. CABLE. You have made some very important statements here, and I just wanted to get into the record the facts to show on what you based them.

Mr. STODDARD. Yes.

Mr. FREE. Professor, did you find any accumulation of these people at the points of embarkation like the condition that existed some time ago?

Mr. STODDARD. Yes; there were large groups. For instance, there are large groups in Constantinople, and there are large groups in ports like Beirut, Syria, and Alexandretta and considerable numbers of people in Alexandria, Egypt—everywhere. Wherever there is a port there are numbers of people who want to get out or are waiting to get out.

The CHAIRMAN. Did you find these people making application for recognition under quotas supposed to be available the 1st of next July?

Mr. STODDARD. I understand from our consular people that there is a great deal of that.

The CHAIRMAN. There is pressure now for permission under the next available quota?

Mr. STODDARD. Yes; away ahead. There is a great deal of that going on, and they are having tremendous difficulties in handling the situation over there.

I want to say here that I was extremely gratified by the attitude of our diplomatic and consular people and their staunch Americanism. Nearly all of them feel that the country is greatly menaced by this potential immigration flood and most every man among them urged me to do my utmost when I got back to open the eyes of the American people in every way to the risks of the situation, and some of them urged it almost with tears in their eyes.

Mr. RAKER. Mr. Stoddard, will you tell the committee whether or not in those 15 years of study and investigation you have made some investigation and study relative to the mass settlements in the United States?

Mr. STODDARD. Not in a sense of personal, first-hand investigation; no. My main investigation has been on the other side and as it came into the country; that is, I have not made anything like settlement studies, but of course I have followed that and am well acquainted with the principal investigations that have been made.

Mr. RAKER. Well, in addition to what you have stated as to these various countries, did you make some investigation relative to the ideas of the minority question that is now raging in Europe in practically all of those countries?

Mr. STODDARD. Yes, sir; and that is one of the serious elements of the situation, because in Europe I think the most serious element of the situation is not the economic aspect, bad as that is, but it is the psychological aspect, because more and more the people of Europe seem to be thinking in terms of violence, hatred, fear and suspicion, and similar feelings. There is a general disposition to try to solve their difficulties by force and violence, and there is a great deal of oppression of minorities, and a great deal of friction between the various States, particularly in Central Europe and the Balkans, all of which tends to increase the pressure of persons desiring to emigrate.

Mr. RAKER. Now with that sentiment, with that being the idea of those people, which they are maintaining even to the extent that they are ready and willing to sacrifice their lives for it, if large blocks

of them animated by that idea should come to the United States under our present congested condition, with the large number of unassimilated, would it not add that much more to the condition now existing in our country if we allowed them to enter?

Mr. STODDARD. Certainly, sir, because these people are inflamed in their nationalism to the point of fanaticism. When these minorities become majorities, they oppress their former masters just as ruthlessly as their former masters oppressed them. It is a general condition of mind.

Mr. RAKER. Is not that true in practically all, if not all, of the countries you visited? I will leave out England and France for the present.

Mr. STODDARD. Practically all; yes, sir.

Mr. RAKER. And it is so intense over there that even their own governments can hardly exist by reason of it, and the people are willing to get away and bring those ideas to the United States, and if the mass groups are permitted and the foreign language papers that instruct in that same line without coming right down to the English language and the ideas of America are permitted, it would be very serious and detrimental to this country if it is permitted to continue.

Mr. STODDARD. Most certainly, sir. All of these people are in a very unassimilable state of mind.

Mr. VAILE. Are they unassimilable other than as to their state of mind?

Mr. STODDARD. Their state of mind has increased their unassimilability.

Mr. VAILE. And they were unassimilable before?

Mr. STODDARD. Yes; and they are now still more unassimilable.

The CHAIRMAN. In talking with the consular and diplomatic representatives of the United States were you able to gather the impression that nationals of various countries seem to think it is their right to find refuge in the United States?

Mr. STODDARD. That is one of the arguments frequently urged. I think it is rather putting the cart before the horse. The thing is that they are determined to get to the United States and they will use any argument and any subterfuge and any reason to accomplish their desire.

The CHAIRMAN. Judge Sabath would like to ask you—

Mr. SABATH. I would like to ask the reasons for the great desire to come. Have they given you any special reasons?

Mr. STODDARD. At base it is economic.

Mr. SABATH. Have they shown any hatred toward America and our institutions, any of those who are so desirous of coming here?

Mr. STODDARD. We in America have very few friends there. I heard very little praise from anybody of American institutions, and American ideals did not seem to interest them. What they were interested in was to come where they consider the conditions to be so vastly superior to those prevailing in their own country.

Mr. FREE. You mean economic conditions?

Mr. STODDARD. Economic conditions, yes; I heard practically no one discuss our form of Government or our ideals or anything of that kind. They were after economic conditions.

Mr. WATKINS. Actuated by selfish interests?

**Mr. STODDARD.** Actuated by self-interest, anyway, whether it be selfish or not.

**Mr. SABATH.** And you say there is suffering among the minorities which brings about dissatisfaction and a desire to come to this country?

**Mr. STODDARD.** That is an important element. It is a combination of political, economic, and social factors.

**The CHAIRMAN.** Were you able to make up your own mind as to whether these various people would fit into the affairs of the United States at all?

**Mr. STODDARD.** It seemed to me that nearly all the peoples of central Europe and the Balkans and the Near East were undesirable, certainly in large groups, and in the main they were people that were relatively remote from our national ideas and ideals.

**The CHAIRMAN.** Of the type trying to come would you say that many of them were miners or people capable of working in steel mills?

**Mr. STODDARD.** No, sir; I should say the largest elements were the city populations. Throughout Europe the peasants are relatively well off, because they have the tangible values, they have their farms, they have their food, and they have enough to live on after a fashion. It is the city people who are up against it, and it is particularly what we might call the lower middle class; that is, the small shopkeepers, all the people engaged in those occupations, shopkeeping, peddling, all those occupations and various forms of small trade. Those are the people who are the hardest hit and those are the people who are most anxious to come to America. They are the largest single element.

**The CHAIRMAN.** Did you find that they were in touch with relatives or friends already in the United States?

**Mr. STODDARD.** Yes; there is a great deal of that. You see that everywhere.

**Mr. RAKER.** Do you think, Mr. Stoddard, from the mere fact alone that some of these may have relatives in the United States they should be admitted into the United States?

**Mr. STODDARD.** Well, I say they allege many of these things, but it struck me that all these things—all these arguments that they put forward were merely excuses growing out of their deep desire to get here by any means whatever. They do not care how they get here, but they want to get here.

**Mr. WILSON.** Mr. Stoddard, I understand from your statement that you found very little friendship displayed for America.

**Mr. STODDARD.** Very little.

**Mr. WILSON.** Did you find what their dislike for America was based on?

**Mr. STODDARD.** In large part I think it is a feeling of jealousy at our prosperity.

**Mr. WILSON.** Did you find in England or France any feeling against America on account of the late war or the conditions growing out of the settlement of the Great War?

**Mr. STODDARD.** Less in England than in France. In France there is a considerable feeling, especially in regard to the debt. There is a

feeling of considerable bitterness in regard to the fact that we have not canceled or pooled the war debts.

Mr. WILSON. How about the feeling in Germany?

Mr. STODDARD. The Germans do not like us in the least, but they are so intent just at present on hating the French that the minor hates have rather gone into the discard. They do not have time to think about it.

Mr. FREE. Professor, I take it from what you say that it is your opinion that if we were to open the gates somewhat we would not get people who were willing to work on the farms or in the industries, but that we would increase the number of organ grinders and people who follow push carts on the East Side of New York instead?

Mr. STODDARD. They would undoubtedly be the largest element by far, I should say.

Mr. SABATH. Have you found a great deal of hatred against America in Czechoslovakia?

Mr. STODDARD. Why, it is not a question of hatred, it is a question of generalized dislike.

Mr. SABATH. Well, any dislike of us in Czechoslovakia?

Mr. STODDARD. Yes; I found considerable evidence of it.

Mr. SABATH. Did you find many streets and places that have been named after prominent men in America and that they nearly all worship America and that they follow our system of government there?

Mr. STODDARD. I found no evidence of American worship anywhere in Europe. I did find many streets or squares that had been named for one or more prominent Americans, but most of those had been scratched out.

Mr. SABATH. In Czechoslovakia?

Mr. STODDARD. I do not recall Czechoslovakia particularly.

Mr. SABATH. That is what I asked you about.

Mr. STODDARD. I can not recall the street that was or was not named in Czechoslovakia.

Mr. SABATH. Could you give the committee one or two men that you met in Czechoslovakia who had shown any hatred or ill feeling toward America and American institutions—in Czechoslovakia?

Mr. STODDARD. I could not name you offhand the exact names. I spoke with a number of people there. Of course, I spoke with the leading men and, naturally, their conversations were more or less official. I spoke with private citizens and I got the same comeback from them that I did from private citizens everywhere. A statement that I—

Mr. SABATH (interposing). Do not mix up Czechoslovakia with any other country.

Mr. STODDARD. No; I am saying that this general reaction was how fortunate America was and how fortunate I was to be living in America, and that America was the most prosperous country in the world and that if America would only do something for them, and that America had more or less let them down after the war. That was the generalized reaction that you got practically everywhere.

Mr. RAKER. Is it not a fact, Mr. Stoddard, that in all those countries, from all classes of people, they lay their troubles to the United



States and say if the United States had joined in the Versailles treaty and had taken a part in it they would be all right, and, therefore, they lay their troubles to the United States at the present time?

Mr. STODDARD. It is broader even than that, sir. It is broader even than that. A great many say that, but there is a broader basis even than that. They seem to feel, great numbers of the people do, that we have most of the money in the world and are the most prosperous nation in the world and that somehow or other we ought to hand out some of that money to them to help them out. They are all after the dollar.

Mr. WILSON. In other words, they think we should cancel what they owe us and besides canceling that debt——

Mr. STODDARD. Make fresh loans to them and investments. They want not only their debts canceled, but they want some more of the long green over there.

Mr. VINCENT. We loaned them money before, and now they are mad because we will not let them have any more.

Mr. STODDARD. Exactly. Gratitude in the main being a lively sense of benefits to be conferred.

Mr. VINCENT. Exactly.

The CHAIRMAN. Do you find nationals of Russia living in the various countries of central Europe?

Mr. STODDARD. Yes, sir; I found great numbers of former nationals of Russia.

The CHAIRMAN. Were they being well treated and well received by the other countries?

Mr. STODDARD. They had been—I am thinking particularly of Austria and Germany. There is in Germany probably the largest colony of Russians that there is in any country, from the extreme Monarchist to the extreme Bolshevik. There is a colony numbering, I think, several hundred thousand in Berlin alone, those people seem on the whole to be fairly well treated, with a few exceptions. The majority seem to get on fairly well and to be fairly well treated. In Vienna the former Russian colony was confined more to persons of the trading class and they had aroused a considerable amount of opposition and there seemed to be a great deal of friction between them and the local population.

Mr. VINCENT. Did you visit Greece, may I ask?

Mr. STODDARD. No; I did not visit Greece.

Mr. SABATHI. Did you have any trouble in entering any of these countries, or a great deal of trouble in entering them?

Mr. STODDARD. No, sir, because when I left I had practically a complete line of diplomatic passports and visés. In most countries travelers will meet with considerable trouble, but having these special papers I had no trouble whatever.

Mr. VINCENT. Mr. Stoddard, am I correct in my recollection that you are also the author of a book called the Revolt Against Civilization?

Mr. STODDARD. Yes, sir; that is correct.

Mr. RAKER. You do not see any reason to change your views expressed in either of those books after nine months' visiting in the countries you have named?

Mr. STODDARD. No, sir. On the contrary, my opinions are very much confirmed.

The CHAIRMAN. Your opinion is also confirmed that the United States should do everything it can to restrict immigration?

Mr. STODDARD. I think it is nothing short of life and death. There are enough potential emigrants from Europe and the Balkans and the Near East to absolutely swamp this country and permanently change the character of our United States.

The CHAIRMAN. I will ask you this: It must be apparent that if we ease up at all toward the admission of people who are being pushed toward us, and we fail to keep them out, we will then be met in later years, if we then do keep them out, with the cry that we are discriminating against those people?

Mr. STODDARD. Yes, sir.

The CHAIRMAN. And it is not a matter of discrimination, but it is a matter of life and death.

Mr. STODDARD. It is a matter of self-preservation, which is the first law of nature.

Mr. WATKINS. Why not exclude all immigration for the next few years except the immediate family of a man who is already here?

Mr. STODDARD. Well, I do not know, sir. There are a number of elements and that is one element in the situation. I do not care to express my opinion on the labors of this committee and the bill now pending. I am giving my testimony as to what I saw over there, and this committee has had an immense amount of testimony and undoubtedly knows vastly more than I do about the present situation here. Of course, I have been out of touch for the past year, but I certainly feel that there ought to be a very drastic restriction of immigration.

Mr. WATKINS. Well, you are quite a student of immigration as well as an author on the subject, and others have come here not only with a willingness but evidently some apparent eagerness to express their opinions, and I believe the committee would like to have yours as to the advisability of suspending immigration entirely for, say, five years, with the exception of the immediate family of the man who is already here. Of course, we will not insist on you giving your opinion if you personally prefer not to, but I think it is better that you should.

Mr. STODDARD. Well, I should say certainly that immigration ought to be kept down to a relatively small number. That it ought absolutely to be prohibited would perhaps be going too far. There is a certain number of people who apply for admission who would make desirable citizens. Whether we ought to bar out everybody is a question. Possibly it would not do any harm. It is one of those things where the elements are so nearly balanced that it is very hard for me to make up my mind.

The CHAIRMAN. It would depend considerably upon the difficulty in preparing legislation that would be a total suspension with the necessary exemptions?

Mr. STODDARD. Yes.

Mr. WATKINS. Do you not think that we would get enough of those desirable citizens by letting in the immediate family connections of those already here who could qualify otherwise?

Mr. STODDARD. That would depend on the people already here.

Mr. WATKINS. There are 15,000,000 foreign born here now.

Mr. STODDARD. If they were desirable persons, those already here, we would probably get desirable immigrants by letting in their family connections; but if those already here were undesirable, we would get undesirable immigrants probably.

Mr. WATKINS. Well, if they can qualify would they not be desirable? We would not let the others in. And in view of the fact that there are approximately 15,000,000 foreign born here, many of whom have immediate family connections, do you not think we would get enough immigration from that source of a desirable kind?

Mr. STODDARD. I think we would get a great deal of an undesirable kind.

Mr. WATKINS. I agree with you there.

Mr. VINCENT. You think the standard of those already here would not give sufficient guarantee of good citizenship?

Mr. STODDARD. No, sir; I think there should be a positive rather than a negative requirement for future citizens. One thing that we ought always to keep in mind is that immigration is an American matter. That has definitely been decided by the Supreme Court of the United States, that we are under no obligation, express or implied, to admit anybody; that immigration is a privilege to be extended by the country admitting the immigrant, and that is something that we sometimes overlook. We must regard it from an American standpoint, and that every immigrant that is admitted is admitted as a privilege and not as a right.

Mr. VINCENT. As an act of grace?

Mr. STODDARD. As an act of grace.

Mr. BACON. Mr. Stoddard, how do you explain the large percentage of Jewish emigration from eastern and central Europe? In other words, the percentage of Jews from that part of Europe seems to be greater than the percentage of other citizens. Poland, for example, has over 90 per cent of Jews in the past year.

Mr. STODDARD. Yes, sir.

Mr. BACON. How is that fact explained?

Mr. STODDARD. I think it is explained in a number of ways. In the first place, there is the general factor that the Jews belong to those classes of the community which everywhere are most desirous of coming to America; that is, the lower middle class and the peddling classes generally. Then also there is the fact that the Jewish emigration has been assisted by various immigrant aid societies by measures of revolving funds of money, etc., and by good team work between those aid societies and various of the steamship organizations, etc. For all those reasons the Jews have succeeded in getting into the quota in numbers ahead of those which they would represent by mere standards of population.

Mr. BACON. Was there any tendency, for example, on the part of a Jewish emigrant who might be a Polish citizen if he could not get a Polish visé or could not get within the Polish quota to travel to Bulgaria, Rumania, or other countries in the eastern and central parts of Europe? Did you see any tendency of that kind?

Mr. STODDARD. Yes, sir; and I was informed there was a great deal of that going on.

Mr. BACON. And was there a tendency to extend assistance by international organizations to aid them in moving to another cen-

tral or eastern European country in order that they could find a loophole to get into the United States?

Mr. STODDARD. I was told by a good authority that that was so.

Mr. BACON. Last winter, when I was traveling through eastern and central Europe, I found evidence of that kind.

Mr. STODDARD. Yes, sir.

Mr. BACON. And I wondered if you had seen evidence of it also?

Mr. STODDARD. Yes, sir.

Mr. SABATH. You have no doubt ascertained that under the present law, no matter whether they did travel from one country to another, they must secure the passports of the country of which they are subjects in the first place. Is not that so, that they must secure those passports before they could get a visé?

Mr. STODDARD. Yes; but there happens to be the most extraordinary amount of corruption in regard to the issuance of false papers and false passports in many of those countries.

Mr. SABATH. I hope you would not try to convey to the committee the idea that that corruption applies to our representatives who are viséing the passports.

Mr. STODDARD. No; I am not talking about our people; I am talking about the issuance of false papers by various governments of central and eastern Europe and the extreme complaisance of officials there to the issuance of such false papers. It is often very difficult for our consular people to go back of papers apparently entirely in order.

Mr. VAILE. What kind of papers?

Mr. STODDARD. Passports, visés, and similar documents.

Mr. VAILE. Birth records?

Mr. STODDARD. Yes, sir.

Mr. VAILE. Police records?

Mr. STODDARD. Yes, sir.

Mr. VAILE. Court records?

Mr. STODDARD. Yes, sir; there is an enormous amount of that. Our consuls have told me time after time the difficulties they have had with these papers.

Mr. VAILE. Mr. Stoddard, you spoke a minute ago of the teamwork between certain societies and organizations here and people of their own nationality abroad. Are we to understand from that statement that these societies do not confine themselves to helping the immigrant after he gets here but engage themselves largely in helping the immigrant before he comes from the other country?

Mr. STODDARD. Yes, sir.

Mr. VAILE. Would you think it is fair to say that the Hebrew Immigrant Aid Society was in fact the Hebrew Emigrant Aid Society?

Mr. STODDARD. I think that would more probably correctly describe it.

Mr. VAILE. The suggestion is not original with me but it came from Mr. Roberts.

Mr. SABATH. Do you say they are aided by any of those aid societies before they come here?

Mr. STODDARD. The prospective immigrants to this country?

Mr. SABATH. Yes.

Mr. STODDARD. Yes, sir.

Mr. SABATH. Can you give me the name of any of those organizations that have advanced money to any prospective immigrant to this country?

Mr. STODDARD. There is a gentleman in this room who has made an investigation of that subject and has published a good deal on that, Mr. Kenneth Roberts.

Mr. SABATH. You have said they are aiding and assisting, and I would like to know myself if that is so. I think you have made a very fair witness, but I would like to get the evidence. If there is any such organization I would like to know that—any organization that has advanced any money of its own to any prospective immigrant.

Mr. STODDARD. I repeat that the best evidence I can recall offhand that I have examined is the evidence published by Mr. Kenneth Roberts who sits in this room.

Mr. SABATH. So you base your testimony —

Mr. STODDARD. No, sir; not merely on Mr. Roberts, but I base my opinion —

Mr. SABATH. Your opinion—so you have no evidence to that effect?

Mr. SABATH. Can you give the committee any such evidence as you have?

Mr. STODDARD. I haven't any with me, but I have the evidence of investigation on this point, the reading of a considerable mass of evidence and conversations that I had with people abroad.

Mr. VAILE. Now, Mr. Chairman, since the question has been brought up, since Mr. Stoddard has been asked to produce this evidence, I move that he be allowed to insert that in the record following his remarks.

Mr. SABATH. His own evidence; yes.

Mr. VAILE. Such evidence as he has that you ask for.

Mr. SABATH. If he has any evidence that will show this, I will be pleased to have it. I am just as much interested as you are to know if there are any such organizations.

Mr. McREYNOLDS. As I understand, some of that evidence is verbal evidence that he got abroad. Is not that so?

Mr. STODDARD. Yes.

Mr. McREYNOLDS. He could state that here.

Mr. SABATH. It is entirely satisfactory to me.

Mr. FREE. It is not fair to the witness, however, to ask him to divulge conversations that he may have had with consular officials or members of the Diplomatic Service.

Mr. RAKER. The short of the matter is that you can get that information from the valiant men who have served the United States when they have confidence that you will not give it out, but if they knew you would give it out you could not get it.

Mr. SABATH. I do not want the gentleman to say anything that was given to him in confidence and I do not desire anything that would in any way place him in a predicament, but if he has any of that evidence that he can give us I think the committee would be glad to have it.

The CHAIRMAN. Without objection, he will be permitted to place any evidence he wants to in the record. And I would like to suggest

to the committee that any member who wants to pursue the subject might do well to go to the State Department and look at the reports.

Mr. VAILE. May I ask if Mr. Sabath denies it is a fact?

Mr. SABATH. I have made investigations and I am satisfied that there is no organization that advances funds to an immigrant, but they will forward funds of any relative. For instance, there is a son here and he can not find his father or mother, and he may go to this organization and this organization may help to find where the father or mother might be, and they will forward the money to that father or mother, or forward the ticket.

Mr. RAKER. In other words, Mr. Stoddard, did you find this state of facts, that there are organizations here in the United States and others abroad, and that they find a man who wants to come to the United States and he says he has a relative in the United States, and a telegram is sent collect to the relative in the United States to send the money; if he does not send it they wait a reasonable length of time and another telegram is sent to him and to the organization, and then if he does not come through with the money another telegram is sent and he is waited upon by the friends of this man of the same nationality, and he digs up the money and the organization then sends the money to the organization abroad and thereby, in that way, they bring these people here?

Mr. STODDARD. That I understand is one of the favorite methods.

Mr. RAKER. I learned that here and abroad, and I wanted to know whether it was confirmed by you.

Mr. STODDARD. Confirmed by what I heard; yes.

Mr. RAKER. So the statement that they do not help is accepted and yet they are instrumental in sending all the telegrams and they really go to the individual and say, "Now, come through, old boy. We want \$250." And they send it to the organization on the other side and the man comes over.

Mr. STODDARD. Yes, sir.

Mr. SABATH. That applies to the relatives, does it not?

Mr. RAKER. What I am getting at is that those men will tell you that these people stoop to anything and make any kind of an affidavit and say they are born in such and such a place, and we have no way of telling whether it is true or not, and they can come in on perjured records.

Mr. STODDARD. These people who want to come make no bones of the fact that they intend to get there by hook or by crook. There is no hesitancy about that at all.

Mr. RAKER. It is a matter that you hear wherever you go. What is the reason for beating about the bush? Call a spade a spade.

Mr. SABATH. That is why I am calling for any evidence the gentleman may have, so he need not be bashful in presenting it to the committee.

The CHAIRMAN. Mr. Stoddard, if you have no further statements, we are much obliged to you for appearing before the committee.

Mr. STODDARD. Thank you, Mr. Chairman.

The CHAIRMAN. I think we will next hear Commissioner Curran, who is here from New York.

**STATEMENT OF MR. H. H. CURRAN, COMMISSIONER OF IMMIGRATION AT ELLIS ISLAND.**

The CHAIRMAN. Mr. Curran, just give your name and your business.

Commissioner CURRAN. Henry H. Curran; commissioner of immigration at Ellis Island.

The CHAIRMAN. Mr. Curran, you are at present the commissioner of immigration at Ellis Island?

Commissioner CURRAN. Yes, sir.

The CHAIRMAN. The committee thought if you would come before us you might give us some views that would be of aid in framing the legislation to take the place of the quota act, and later we may want your statement as to the conditions surrounding the administration of the present act.

Commissioner CURRAN. If I may, I would like to say that at Ellis Island we consider Congressman Johnson's bill from an administrative point of view, a great step ahead, and we have put in a great deal of time on it. We have been pressed for time, because we have just emerged from the first six months' rush of immigration since the 1st of July. All but about 10,000 of the 357,000 allowed under the quota of immigration is already in the United States for the year ending the 1st of next July. We have hardly had time to turn around. But the bill is here and I appreciate personally and in behalf of our staff there the opportunity of appearing before your committee to suggest changes purely from an administrative point of view, because we have got to carry out the bill when it becomes a law, and I will be very glad to answer any questions that you are minded to ask.

If it is agreeable to you I would like to go through the bill—I will try to be very brief. I have been unable even to put all this down on paper. I have called in to consult with me First Assistant Commissioner Uhl, who is here and who has been 31 years on Ellis Island—the longest detention on record—and all of our division chiefs, and also Second Assistant Commissioner Landis and they agree with what I have to say, so that it represents the Ellis Island opinion, but there will be places where I hope you will call on Mr. Uhl, particularly as to the sailors and possibly as to other matters, because he knows far more about it than I do.

Mr. CABLE. Do you want to be interrupted, Mr. Commissioner, or would you prefer to go through with your statement and then have us ask you questions?

Commissioner CURRAN. I would be very glad to be interrupted, and I think most of the time that is the best way to get at it.

On page 2, line 20, paragraph (c), "The validity of an immigration certificate shall expire at the end of such period, specified in the certificate, not exceeding eight months, as shall be by regulations prescribed."

We urge very strongly that that be changed to read that "The validity of the certificate shall expire at the end of two months from the issuance thereof," and that it be made plain that the moment of expiration is the moment when the ship enters the United States—when she crosses the line at quarantine.

The reason is this: If you allow these certificates a life of eight months, it means that you will perpetuate one of two or three of the greatest obstacles to efficient administration of the immigration law that we have encountered at Ellis Island. At least two-thirds of the immigration to the United States comes through Ellis Island, and if you allow immigrants to receive certificates during each of eight months, practically all of which may be cashed in, so to speak, by admission of the immigrant to this country within a space of one or two months in the spring weather, or the summer weather, you are going to bunch the traffic in those two or three or four months and when there are swarms at the gates inspection is not as thorough, necessarily, as if we can have an even, uniform traffic. This is worse to my mind than the 20 per cent provision in the present law. This accentuates the difficulties that we have encountered because of the necessity of handling, as I have said, 97 or 98 per cent of a 12 months' immigration in six months. This will probably aggravate that condition, and we feel most strongly that the immigrant, knowing in advance by the consular certificate that so far as the quota is concerned he is guaranteed admission to the United States if he is otherwise admissible, can readily pack up and get started and get here within two months.

I think it would be to the interests of the steamship companies to encourage the bunching of hits to bring eight months' certificates here in a month or two.

Mr. RAKER. In other words, if you allow 10 per cent to come in in each of 10 months, the whole quota would be exhausted, and then they would have two months to fill in if there was any lacking and they would all get in within the year?

Commissioner CURRAN. Yes. We think that is the best way. I shall have a word or two to say about that in a later provision.

The CHAIRMAN. Mr. Commissioner, to have the certificate expire at quarantine would result in racing again, would it not?

Commissioner CURRAN. No; I think not, sir, because there is no incentive to race once you count the emigrants on the other side of the ocean.

Mr. VAILE. But if you have a certificate expire in a very short period and have it terminate at quarantine you will have the racing here.

Commissioner CURRAN. I do not think a steamship company will take an emigrant aboard the life of whose certificate has expired because of the very heavy fines to which they are subjected.

The CHAIRMAN. Twenty hours delay to a ship would bring a certificate in behind the expiration date at quarantine, whereas it might as well have been made to expire at the time of departure.

Commissioner CURRAN. Your query is as to the place where the certificate shall expire?

The CHAIRMAN. Yes.

Commissioner CURRAN. I make no objection to naming the place as the port of departure. Of course, there are many immigrants who do not come by sea.

The CHAIRMAN. All right.

Mr. SABATH. Commissioner, do you think two months is time enough for people after they have received their visé or certificate to prepare themselves to reach the port?



Commissioner CURRAN. Yes, sir; I think it is.

Mr. SABATH. Some of them have to travel for many many days before they reach the port of embarkation.

Commissioner CURRAN. I think it is sufficient time.

Mr. SABATH. I have known of cases where they have been three months on the way before they reached the port.

Mr. CABLE. They might hesitate to sell their property before they get a certificate.

Mr. RAKER. Before they dispose of their property. They have no property to sell, is the trouble.

Mr. VAILE. Under this procedure the emigrant will not sell his property until he gets his visé.

Commissioner CURRAN. That is my impression.

The CHAIRMAN. That would mean that he would have to go to the place where he gets his immigration certificate and his visé and present there his questionnaire and "dossier" and prison record and other records and then go back home and sell his property.

Commissioner CURRAN. Yes.

The CHAIRMAN. That might well take two months.

Commissioner CURRAN. Yes.

Mr. VAILE. It would be putting him up against a forced sale.

Commissioner CURRAN. I think there might be slight hardship in connection with that, but in very few cases, by comparison with the tremendous hardship and anguish and long detention that comes from bunching your traffic within a few months. I think the hardship of making this emigrant start in time to get here within two months is nothing compared with the present situation as our experience shows.

Mr. FREE. You mentioned the fines on the steamship companies. Are any of those fines ever collected?

Commissioner CURRAN. I will have to refer you to the Commissioner General as to that. I do not think very many fines are collected, but I may be corrected as to that.

Mr. BOX. The report showed some \$200,000 last year. What part of that do you think came from fines imposed on steamship companies?

Commissioner CURRAN. I can not answer that, Congressman.

Mr. BOX. There was \$2,000 they collected from somebody.

Mr. RAKER. In other words, it is not your place to enforce and collect the fines, is it?

Commissioner CURRAN. No, sir.

Mr. RAKER. Let us get the man whose duty it is to do that.

The CHAIRMAN. Now the next suggestion.

Commissioner CURRAN. I think it would be better for me to omit the changes in verbiage that follow for reasons of conformity and confine myself to the main points which are helpful amendments that I want to suggest, and I think I can save time that way.

On page 3, line 6, the proviso for the return of three-fifths of all passport and record fees. We do not see why that money should be returned, because our Government officials have already done the work whether the emigrant gets in or not. Perhaps that is a minor point, but it would be difficult to get exactly 60 per cent of that money back to the particular emigrant who has been deported and

is back in Europe, and I do not see why we should give it back, as the work has been done.

On line 18, page 3. It is going to be a great deal of labor for the inspector on the ship or on Ellis Island to accomplish the thumbprints of the immigrants. In my experience as a magistrate we need the fingerprints of all 10 fingers to work the system exactly. This says "thumbprints," and I think the committee should decide whether it will be fingerprints or thumbprints.

Mr. VAILE. It says "thumb" in one place and "finger" in another. I think "finger" was intended.

Commissioner CURRAN. That will require a great deal of work and more inspectors in order to get the prints of all 10 fingers of every single immigrant in the cabin of the steamship or on Ellis Island. If it is a necessary precaution in your own wise judgment, it will require an increase in the staff to get it done. I have seen it done hundreds of times in other work with which I have been connected, and it is a great deal of work.

Mr. FREE. Can not that be done on the boat coming across?

Commissioner CURRAN. That would take even a greater increase in staff. You would have to have an inspector on the ship and I would not want to trust anyone but a Government man.

Mr. FREE. Personally, having been a prosecutor myself, I think this is one of the very best methods of identification.

Commissioner CURRAN. You can not miss anybody if you get his 10 fingers, but merely his thumb will not do. You can miss some of them if you only have the thumb.

Mr. RAKER. If you get the necessary equipment you can take the fingerprints in a minute or so of each one.

Commissioner CURRAN. It can be done with sufficient staff.

Mr. VAILE. My recollection is in the Army they passed a whole line of us with a few second per man.

Mr. FREE. It will take more time at Ellis Island.

Commissioner CURRAN. We are not objecting to it, we are only getting our foot in the door for enough inspectors to carry it out if you require it to be done.

Mr. Box. Is it not true that you are severely handicapped in the enforcement of the law by a lack of men?

Commissioner CURRAN. Yes, sir; we are very seriously handicapped.

Mr. WATKINS. Could not those fingerprints be secured when the emigrant makes his application rather than later on?

Commissioner CURRAN. There is the possibility of substitution of certificates. I think this would be an additional safeguard to take it at the gate, and then he is right there ready to come in or go back, and those are his fingerprints, the prints of the man you are considering right there.

Mr. RAKER. If you did have it on his application and had any doubt about him being the right man, by placing his fingerprints on the application and comparing them with those already on it you would catch him immediately, would you not?

Commissioner CURRAN. Yes.

Mr. RAKER. That would avoid any possibility of the transfer of these certificates from the time he applies to the time he embarks.

Commissioner CURRAN. Yes, sir.

Mr. RAKER. Because even with regard to passports the consul at Geneva advised me that there had been over 40 American passports stolen in Geneva alone and that men got over on them.

Commissioner CURRAN. I think we would tie it up tight if he put on the 10 fingers at both ends of the line.

The CHAIRMAN. Proceed, Mr. Commissioner.

Commissioner CURRAN. On page 4, line 7, definition of immigrant; tourists, visitors, and those going through the United States in transit are not to be considered as immigrants. We think they might better be considered as nonquota immigrants, because we have a great deal of trouble with alleged tourists and transits. When the quota is exhausted people will come here in the hope of making us believe that they are coming merely for a short visit. They will come saying they are going through to Canada when we all know very well they are going about as far as One hundred and twenty-fifth Street, if they ever start going at all. And if you make them nonquota immigrants they must obtain a certificate.

We have thought of suggesting that as to tourists and transits, we would be aided by a statement from the consul at the time he determines, as he must to some extent, whether they are immigrants or not—that a statement would help, but a certificate would be of more help.

If I were going to England for a visit of two or three months I would not resent it or find it an inconvenience, no matter how exalted an idea I had of my own station in the world, to apply for an immigration certificate, submit all the data and put my 10 fingers snudged on a piece of paper. I would feel perfectly willing to do that and I would feel safer.

Mr. HOLADAY. Do these people come first class?

Commissioner CURRAN. They come all three classes. There might be some resentment of those who come first cabin.

Mr. RAKER. Why would you as an American citizen let a man slip through just because he has enough money to come through first class?

Commissioner CURRAN. I would not. I would make him have a certificate.

Mr. RAKER. I do not see any more reason why a man who has a little more cash should come first class and slip through that way.

Mr. VAILE. He is not suggesting that.

Mr. RAKER. He is not suggesting that.

Commissioner CURRAN. And since the war some of the finest people in the world have come over in the steerage and some of the profiteers—and they are international according to my impression, although I have not given evidence as to those—have come over first cabin. The world is a little bit topsy-turvy yet, as it always is after a war. The chief of staff of the Russian armies in the first year after the war came with his wife steerage and went through the mill at Ellis Island—a splendid fellow, and he did it with good grace because of the blood that was in him. He did not mind it. The thing is changed about. I do not see any reason for any discrimination. They should all come alike.

Mr. CABLE. Your men can spot an immigrant nine times out of ten and they can spot a man coming for pleasure or a business man, can they not?

Commissioner CURRAN. I think we can spot most of them, but there will be fewer get by if they all have these certificates.

The CHAIRMAN. It would be harder then to change his status after arriving at Ellis Island. That is to say, a man who started as an emigrant undertakes to change his status to that of visitor when he finds that the quota is exceeded.

Commissioner CURRAN. Yes; and you know you are faced with the question whether a man or woman is telling the truth, and that is a difficult thing to say, no matter how diplomatically you put it—I do not believe you, or I think you are lying. And it comes down to that many times.

Mr. SABATH. And to gain admission they are willing to lie?

Commissioner CURRAN. Yes.

Mr. RAKER. So you would just change that clause 3 to the non-quota clause?

Commissioner CURRAN. Clauses 2 and 3.

The CHAIRMAN. All right.

Commissioner CURRAN. In line 14 on that page, speaking of sailors, I will just let that go in now, if I may, seeking to enter the United States temporarily in the capacity of his calling, the safeguarding word there "temporarily."

Mr. VAILE. In line 14 insert "temporarily"?

Commissioner CURRAN. Yes; I would like to pass that by quickly because there are those here who know more about sailors than I do.

On page 5, line 2, you have raised the limit for those who come from the Americas and who are natives of other countries from a residence of five years to seven years, and I should think it might be raised a little more and made 10 years. Of a native of a European country who has been living in South America or in Canada we did exact one year and we now exact five years and we propose to exact seven years. I would rise it to 10 years. That may be partly sentimental, but not entirely. I do not believe anybody is really South American until he lives there at least 10 years if he comes from some European country, and I think the period required prior to naturalization instead of 5 years should be 10 years for the safety of our citizenship. Perhaps this is analogous to that.

Mr. VAILE. What do you think of the suggestion made by a number of people including the Secretary of Labor of having the quota applied to these people? Mr. Box has a bill for that, too.

Commissioner CURRAN. We have gone as far as this—we would like to take out these three words from line 6, "or adjacent islands." We do not think it is desirable immigration.

Mr. FREE. Line 6, what page?

Commissioner CURRAN. Page 5. When it comes to the continent of North, South, and Central America I think it is for you gentlemen to decide, and it is a matter of state more than it is a matter of immigration law administration, but as to the West Indies, we think if desirable immigrants from other parts of the world are held down to quota there should also be a quota attaching to the West Indies.

The CHAIRMAN. Those people are mostly negroes, are they not?  
Commissioner CURRAN. Yes.

The CHAIRMAN. And you think perhaps we have enough of them now?

Commissioner CURRAN. I do not want to say now but my impression of those who come from the West Indies is that the poor things do not know how to get along very well and they are pretty soon going to die or go back. I think the quota law might apply to the West Indies if it applies to the Continent of Europe.

Mr. RAKER. Mr. Commissioner, regarding those from the adjoining countries named in that section, we had a provision that read "an immigrant a citizen of and who had resided continuously for five years at least preceding the time of his admission." That would stop up the hole, would it not?

Commissioner CURRAN. That would knock out my suggestion. That would be stronger, I think, if you require citizenship.

The CHAIRMAN. Let me say as a matter of information that a protest is about to be lodged with the State Department, if it has not already been lodged, from the countries most of which comprise the Pan American Union against applying the quota law to them.

Commissioner CURRAN. Most the West Indies, I think, are colonies of European nations and not strictly speaking South America or Canada. In further discussion of that I know you would be a great deal more aided by hearing from Commissioner Clark, of Montreal, as he knows all about that and I know very little about it.

Mr. CABLE. Major, if you raise that from 7 to 10 years, wouldn't that induce more aliens who get to Canada to be smuggled across the border rather than wait? Wouldn't that increase that trouble?

Mr. CURRAN. Well, I don't know. I don't think it would make very much difference. I don't think that that point is tremendously important.

Mr. RAKER. Wouldn't smuggling practically cease, and also immigration into Canada, if we said that an immigrant must be a citizen of and must have resided there? That would cut them off entirely, because there would be no hope of them getting in unless they become naturalized in the country from which they come here.

Mr. CURRAN. Unless they come within the quota of the country of which they are natives.

I believe I would strike out the words "if accompanying him" in paragraph (c) if you are going to give any leeway at all. I wouldn't compel his wife and children to come in on the same ship or on the same train with him. That is a minor matter, but I think there will be cases of inhumanity occasionally with that.

On page 5, paragraph (d), we should like very much to have that paragraph omitted altogether.

Mr. Box. What is that?

Mr. CURRAN. That is the exemption to the quota law in favor of a minister of any religious denomination, professor of a college or seminary, or member of any recognized learned profession. The reason is not that we have it in for professors and ministers and members of learned professions; it doesn't go to that at all, but we find it very difficult to decide in many cases just what is a recognized learned profession and just what is not a recognized learned pro-

fession, or what is a minister of any religious denomination. The words "professor of a college or seminary" leaves out the university. A seminary is sometimes known as a young ladies' finishing or polishing school, but it leaves out Andover, Exeter, St. Marks, and all the rest of the boys' preparatory schools. Those things are hard to define. Now the present provision that speaks of "artists," I doubt if there is anybody in this room who can define an artist without danger of having himself disputed as to his definition of what is an artist, a lecturer, a singer. Quite often we have singers and musicians that play and sing for us at Ellis Island to see whether they are professional singers and musicians or not.

Mr. CABLE. Do you think there is much fraud perpetrated under the guise of "professor" or "artist"?

Mr. CURRAN. No; I don't think there is, but may be, and I think those are sometimes excluded or detained who should be readily admitted, because nobody in the world knows exactly what these things are.

Mr. BOX. Do you have many coming within that class described in that paragraph, Mr. Commissioner? Do you have considerable numbers asking admission under similar provisions in the present law?

Mr. CURRAN. Not great numbers; no.

Mr. BOX. Have you any estimates at all to offer us as to the percentage of the total immigration coming through your port that come under this clause? I just want to get some idea of the importance of the clause.

Mr. CURRAN. I think it is very small, Judge. I would like to be coached on the percentage as to that if somebody here can coach me, but I think it is very small.

Mr. BOX. The number is practically insignificant?

Mr. CURRAN. Yes; I think I would put it as strongly as that.

Mr. RAKER. Your view is that we should strike out that subdivision entirely?

Mr. CURRAN. Yes; I think so. They can still come in within the quota. There is a quota for them. They are not shut out.

Mr. RAKER. That would eliminate the great furor that the papers had about three weeks ago when a sturdy Scotchman tried to enter as a professional and he could not get in in any way, but a Russian girl came along about 17 years old and tried to get in as an immigrant and failed, and then she said she was a professional. She appeared before the commission and danced and they let her in.

Mr. CURRAN. Sometimes they become professional overnight.

Mr. CABLE. Mr. Commissioner, what if the quota is filled and some artist comes along and wants admission?

Mr. CURRAN. They never start then. The device of counting them on the other side before they start prevents hardship, and if they are coming as exchange professors or as students they are coming on a visit and are exempt from the quota and are taken care of in that way. They are not shut out if they are not coming permanently. I have seen so many cases—the last case was a young man from South Africa that we deported three days ago, and I am positive that he believed and came here in good faith all the way from South Africa to be a student at an automobile school. At the same time he was going to work his way by laboring in an adjoining garage. He was held not to be a student by the department, and I think the ruling was proper, but he came in good faith,

relying on this exemption. Exemptions are troublesome. I think the fewer the better.

Now we have the question, is an acrobat an artist? If you have them doing flip-flops on the floor at Ellis Island to prove whether they are artists or not I think it would make the thing ludicrous.

The CHAIRMAN. I think you will admit that there are such things as tonsorial artists? [Laughter.]

Mr. CURRAN. I think it is a learned profession.

Mr. McREYNOLDS. It makes it rather hard if you have to determine whether they come within this statute or not?

Mr. CURRAN. Yes, sir. And on page 6 I think the same thing applies to paragraph (g), students.

I think one of the finest things for the country, if you will let me speak as a citizen for a moment instead of an official, is free interchange among the nations of the world of bona-fide students. It is one of the best bonds to cement international good feeling that there is. But the academic year is nine months, and if you have your period allowed for a visit here one year, every one of them is exempt from the quota and he comes, and I think this does away with that provision.

Mr. Box. He might want to stay more than a year, might he not, if he was a student coming here to attend a college or university?

Mr. CURRAN. He can come within the quota. There is still a quota for him if he wants to stay more than one year, and I think he should come within the quota. If he plans to spend four or five years here I think we would rather forget about him. I think he stays for life if he wants to.

The CHAIRMAN. The original quota act had no provision for students. If I remember correctly the department once met with trouble on that account. They adopted the plan of admitting students as members of the learned professions, bona-fide students.

Mr. CURRAN. Yes; there was talk of that.

The CHAIRMAN. Now, then, we will say a student comes from South Africa, a Cecil Rhodes scholarship student comes along, and the quota from South Africa is exhausted, what recourse has he?

Mr. CURRAN. If he comes for less than one year he comes as a visitor; if he comes for more than one year I don't think he would have any trouble in getting a certificate from one of our consuls abroad to come as an immigrant.

The CHAIRMAN. Wouldn't it be better to have this provision provide that consuls might issue certificates to bona-fide students of some recognized institution of learning?

Mr. CURRAN. You mean to give them preference?

The CHAIRMAN. No; to give the consul the right to issue that certificate to students of recognized institutions.

Mr. Box. Regardless of number?

The CHAIRMAN. Yes.

Mr. HOLADAY. Mr. Chairman, I know this situation exists: Some large business concern in a foreign country will make a contract with a young man and will send him to this country for four years' schooling and then he is to return—they will pay his expenses during those four years—he is to return to his native country and go into their business institution and work for them for so many years. For in-

stance, I know at the University of Illinois we have a great number of students that are there under those conditions. They come here for four years. The general practice is to send them to three or four different universities during their stay in America. Now, the one-year provision would not take care of cases of that kind.

Mr. BACON. Of course the six-months provision is prohibitive.

Mr. HOLADAY. Yes; they come here and stay the four years.

Mr. CURRAN. Well, if you could see the different attempts to come in under the guise of "student," I think you would perhaps come to the conclusion that four-year students should get certificates from the consul. If they are coming for as long as that, it is quite a long visit. They are a long time visiting if they are here four years.

Incidentally, I omitted a recommendation that I would like to go back to, and that is on page 4, line 7. I don't think I spoke of that. We think that you should place a limit of one year in the law on the length of time that a visitor may stay here.

Mr. Box. Where is that?

Mr. CURRAN. Under subdivision 2. I say after the words "business or pleasure" insert the words "for a period of not more than one year." That is for uniformity. You limit the visit abroad to one year; shouldn't the visit to this country be limited to one year?

Mr. Box. What is that under present regulations? You have a similar clause in the present law, haven't you?

Mr. CURRAN. There is no time limit under the present law. It is left to regulation.

Mr. BACON. Isn't that six months in the regulations?

Mr. CURRAN. Six months flat for a visit this side in the regulations; six months for a visit abroad, or longer, which may be still considered a visit if sufficient proof is offered by the person returning from abroad that he was prevented from getting an earlier start back to this country. I think it is a wise thing to put one year in the law so that we won't have one regulation for one month and another regulation another month.

The CHAIRMAN. What would you do, then, with the newspaper correspondent for a London newspaper who came here to remain two or three years as a representative of his newspaper?

Mr. CURRAN. I would hope that he would, if he stayed as long as that, come to see me at Ellis Island and not send back some of the accounts that appear in the English papers about Ellis Island. [Laughter.]

The CHAIRMAN. That would be renewed by permit, I suppose?

Mr. CURRAN. By diplomatic passport, possibly.

Mr. BACON. Referring to these students, are you familiar with the Davison scholarship?

Mr. CURRAN. Yes; I have encountered Davison scholarships.

Mr. BACON. How would you take care of those specific cases?

Mr. CURRAN. Don't they come only for a year?

Mr. BACON. One year, yes.

Mr. CURRAN. They are taken care of as visitors.

Mr. BACON. They could be taken of as visitors?

Mr. CURRAN. Yes, exempt from the quota.

On page 6, lines 11 and 12, I don't like to see in the statute, unless there is a good reason for it, with reference to soldiers and



sailors "and was not discharged therefrom under dishonorable conditions." I would rather see "and was honorably discharged therefrom." I think it conveys the implication that a great number were dishonorably discharged. There may be a good reason for it.

Mr. VAILE. Now that may not be happily expressed. I think perhaps it is not, and I think I am responsible for that language. The reason for it is this: You remember, Major, that a number of so-called "conscientious objectors" who had been confined in detention camps during the whole period of the World War were finally discharged by an order restoring them to citizenship and granting them their discharges. Now that would not appear in the first place perhaps to be an honorable discharge, but it has been specifically held in one or two cases by the War Department that that was an honorable discharge and I wanted to cover a case of that sort. I thought that under those circumstances he was discharged under dishonorable conditions, whether he was dishonorably discharged or not, and so for lack of better language I devised this language which appears in this paragraph.

Mr. CURRAN. Then I would like to withdraw my suggestion. If there is any question of conscientious objectors coming in as soldiers, I bow to your language.

On page 6, line 20, we wish to have added after "legally admitted to the United States", the words "prior to July 1, 1924."—"legally admitted to the United States prior to July 1, 1924." Without that your endless chain starts, relatives coming of aliens who are now here; more aliens coming, their relatives following them, and I think you will pyramid ad lib if you don't put a stopper on it as of July 1, 1924, the date that this bill will take effect as a law.

Now as to those who are already here, who have relatives abroad, and want them to come within this additional quota in a relative class, if it is the policy of Congress to construct a special quota for relatives, that will go along and gradually bring in relatives of aliens now here, but as to aliens who come after July 1, 1924, if this addition is made to the bill they have fair warning that they are not going to have a separate quota for relatives to tag after them in future years. I think the possibilities are limitless. That extra 2 per cent quota is going to stay there for good and I don't think it is a healthy thing to leave this open. I think that is a loophole that is restricted only by the amount of quota; that there will be pressure every year to increase the 2 per cent to 3, to 4, to 5; to let in relatives of aliens who arrive after this bill becomes a law. You have got a constant field for argument and pressure and pleading, and my opinion is that once and for all we should pin a date on this and say, "Yes, for humane reasons, as to those who are here, their immediate relatives as described here may come within limitations, but as to those who come afterwards, where one person goes ahead and gets under way and then brings in a troop of relatives, you must come within the quota. That is what the quota is for." I hope I have made myself clear.

The CHAIRMAN. Yes; very clear.

Mr. CURRAN. I think that is what we consider one of the vital changes that we hope will be made in the bill.

Mr. RAKER. Even as it is, no one can tell the tens of thousands that would come in under this provision even now, can they?

Mr. CURRAN. Well, there is one portion of New York—just one portion of New York—where the people have told me that they know of 10,000 near relatives ready now to come—just one portion of New York City—and on questioning them they think that it may be three or four times that number. And that is only a pin point in the whole country.

The CHAIRMAN. You mean that number proposing to come as "the husband, wife, or unmarried minor child"?

Mr. CURRAN. Yes.

Mr. VAILE. We know that it wouldn't be more than 180,000.

Mr. RAKER. Under the 2 per cent limit. Of course, that has been put on since.

Mr. VAILE. It would be 1 per cent limit, only 80,000.

Mr. CURRAN. One hundred and eighty thousand for each one.

Mr. BOX. For those already here there is no limit, is there?

Mr. RAKER. What I mean is this: If there wasn't a 2 per cent limit on the relatives that would come under that provision, no one can tell how many tens of thousands could come in.

Mr. CURRAN. No; and furthermore, Congressman, no one can tell to-day whether they are relatives or not. It is limitless. If you don't have a 2 per cent limit on it, or some limit as to numbers, and then the time limit of July 1, 1924, your arms are open. Everybody can come in.

Mr. RAKER. Wouldn't you go further, Mr. Commissioner, and say at least that they should be minors under 16 or 18 years of age?

Mr. CURRAN. I don't think so. I think that is drawing it a little fine. But I don't want to offer any strong opinion as to that. Just as a matter of uniformity, you speak of "minor children" all through the act and I thought perhaps as our age of maturity, the traditional American age is 21, it might be a good thing to stick to that.

Mr. RAKER. But that does not apply to all States. Many of the States have laws now that when a woman is 18 years of age she has reached her majority for all purposes, except voting.

Mr. CURRAN. Yes; we discussed that, and we didn't know about all the 48 States.

Mr. RAKER. That being the difference, it seems to me that if you would make it 18, then you would wind up all that possibility.

Mr. CURRAN. I would with that information. I would make it 18, if I were writing anything into it.

On page 9, lines 17 and 18, the bill speaks of "a cash bond of \$1,500" to be put up by the steamship company. I agree with that with this query, perhaps, added to it: Maybe you are providing for a double penalty there. If the steamship company has to put up a bond of \$1,500 and the consul says "this fellow is not telling the truth," and the steamship company still wants to bring that particular man over badly enough to put up a bond of \$1,500, and then the immigration inspector and the Secretary of Labor say, "no, he is not telling the truth," then the steamship company is fined, I think it is \$2,000. So the bond is gone and the fine is gone. I don't suppose that practically such a bond would ever be put up, but we

do think that the consul should have same protection and some pretty strong protection where he is morally sure that somebody is not telling the truth but he can not prove it.

Now there I am getting a little beyond Ellis Island, but our law division brought up the question of the possible double penalty which might make either or both invalid. I am not enough of a lawyer to know about that. I am only a member of the bar.

Mr. RAKER. One penalty is already provided for outside of this provision here.

Mr. CURRAN. Yes.

Mr. WATKINS. It says "in addition thereto."

The CHAIRMAN. The committee realizes that that will have to be worked over, and there has been some suggestion in case of doubt of the truthfulness of the statements made by the immigrant, of providing a plan by which the application might be referred to the Secretary of Labor in the United States.

Mr. CURRAN. I think he would have a pretty hard time deciding whether the immigrant in Paris or Warsaw or Vienna was telling the truth.

The CHAIRMAN. It would be a matter of calling for more proof. That is in a nebulous state, however.

Mr. CURRAN. On page 11, line 7—I read a statement in the newspaper the other day expressing great resentment that anybody should have to produce an income-tax return or a statement, and saying that those here who are interested in having their relatives come in the relative quota would none of them have amassed a sufficient fortune or be earning enough to be able to enjoy the privilege of paying an income tax. I don't think that is so. I think a great many of them can pay an income tax.

Mr. VAILE. Unless they have an income of \$2,000 a year they are not able to support their relatives, are they? I know people who can't get along on several times that.

Mr. CURRAN. If I had anything to say about it, agreeing with you, I would stiffen it up a little and make them show a tax receipt.

Mr. RAKER. Right in that connection there have been a good many admitted who have been held up at Ellis Island on the ground that they are liable to become public charges, and the relatives have made a statement by letter or télégram or otherwise that they will take care of them. Now there is no means of knowing in the future whether those relatives will take care of them or not. Is there any way to remedy that, to make it a little more certain than the mere letter statement that the relative is able, ready, and willing to take care of relatives coming in?

Mr. CURRAN. Well, the 25-year and 31-year fellows, I think, could help you more than I can on that. But I think we have sufficient means in the first chapter of the law. There are the examinations, considered on appeal, the possibility of exacting a bond, and I do think that bonds should be specified in the law to be cash bonds or adequate surety bonds. We often have to take under the law as it is private bonds, and I don't think those bonds are worth much.

Mr. RAKER. You would be satisfied and it would meet every end if security was given, not a cash bond, the surety bond of some surety company?

Mr. CURRAN. I think so.

Mr. RAKER. That would obviate the hardship of being required to furnish a cash bond.

Mr. CURRAN. I only know of one case where a surety company failed, whereby we lost some of those bonds.

Mr. RAKER. But personal recognizances and obligations are practically worthless?

Mr. CURRAN. Yes; usually. We feel much safer with surety company bonds. That would be a wise provision.

Page 14, line 12. The point I would like to make here is just as important as the desire that we have that the life of the immigration certificate be limited to two months. This request here is based on the desire to have uniformity of immigration traffic for the sake primarily of decent inspection so that we can sort them, really sort them, and we can't do it when they are going by at the rate of one a minute, as they have done for days and days at Ellis Island, and I have stood there with the inspector and watched them, an immigrant a minute. That is not inspection or examination; that is just counting them off and waving good-by to them as they go ashore. That is just what you get when your traffic is bunched.

Mr. Box. Right there—I am sorry to interrupt you, but your health officers, the health service, who give them a preliminary examination, don't they have to examine them in much the same way?

Mr. CURRAN. Yes, sir.

Mr. Box. And isn't what you say of the work of the inspector very largely true of the work of the Health Service?

Mr. CURRAN. Yes, sir. I put a limit on the number that we would take at Ellis Island at 2,000 a day. There were thousands of them in port and they were ready to come over there at the rate of 5,000 a day if I would let them.

The CHAIRMAN. From the ships?

Mr. CURRAN. From the ships, yes; when they come in the first of the month. But I said the limit will be 2,000, no more, and that limit is twice too high. One thousand is the largest number that we should examine in a day.

The CHAIRMAN. That order of yours limiting the number to 2,000 is one of the causes then of the cry of delay?

Mr. CURRAN. Yes, sir. We are between the devil and the deep sea.

Mr. FREE. What is your suggestion, Mr. Commissioner, as to this 10 per cent?

Mr. CURRAN. My suggestion is this, that you cut out in line 12 the words "each of the first 10," and substitute the word "any," so that it will read, "and in any calendar month of any fiscal year no more immigration certificates than 10 per cent of the quota for such nationality."

The reason for that is this: You place a limit by way of maximum but only a partial limit. Now, if your immigration comes very slowly from some country in the first half, 8 or 10 months of the fiscal year, and then takes a spurt, as the British immigration did a year ago, you could have your consul giving out certificates for 2 or 3 or 4 or 5 per cent each month; then comes the spurt and he is allowed, as this reads, to give out the balance and they would all crash in on us in, we will say, May and June, or April, May, and

June, and in this case here if you say "in each of the first 10 calendar months, 10 per cent," that means that your 100 per cent is exhausted at the end of the first 10 calendar months if the pressure is complete. Then there is a provision for picking up the balance if it is less than 10 per cent, in the eleventh and twelfth months, with the result that you may have 40 or 50 per cent in the eleventh and twelfth months.

Mr. VAILE. If you don't have some such provision, many countries might be deprived of a large part of their quota.

Mr. CURRAN. I don't think we suffer by that. I think they can come our way and come uniformly and give us a chance to look at them as they go by. It will be to their advantage to bunch the heads in the springtime, and it will be to the advantage of the steamship companies to lay up their ships in the winter months, and I don't find any sympathy for this cry that I saw in the paper the other day that the immigrants are all going to get sick if they come here evenly throughout the year, in the fall and winter as well as in the spring and summer. I don't think there is much to that, and even if there was a little to it, I think the interest of the United States has got to be considered, and we must be protected, so far as we can foresee in the law, from the sudden rushes of immigrants.

Mr. RAKER. How would you have subdivision 2 read, "and in any calendar month of any fiscal year no more immigration certificates than 10 per centum"?

Mr. CURRAN. Yes; so that if you had a balance of 30 or 40 per cent on the 1st of May, nevertheless they could not issue certificates up to 40 per cent, but only 20 per cent.

Mr. FREE. Then they would have two months in which to use those certificates under the suggestion you make?

Mr. CURRAN. Yes.

Mr. FREE. And they couldn't issue more than 10 per cent in any month, and they would have two months to come in.

Mr. CURRAN. Yes.

Mr. RAKER. Is it your view that the provisions of section 10, subdivision (b) in particular, should be retained in the bill to fix a percentage for the months?

Mr. CURRAN. Yes; with that change.

Mr. RAKER. You think if you made it for the whole year it would be very disastrous?

Mr. CURRAN. Oh, yes; it would be very disastrous. The merry month of May would be nothing in past years beside what it would be in 1925.

Mr. RAKER. And the mere fact that they were given certificates, or that only so many certificates should be issued, would not obviate it if you threw the doors open and allowed them all to come in whenever they wanted to?

Mr. CURRAN. No; everybody would hold his certificate each month if he got it in October or November. We would have no immigration through the winter; it would all come in the spring and summer. And if they would not come uniformly—why, I think they might better not come at all. After all I think it is we who are regulating immigration and not the immigrant.

In line 14, page 14, after the word "nationality," I would cut all the rest out, which goes along with what I have just had to say. Be-

ginning with the word "except" on line 14 I would omit all the rest of the paragraph.

Now, that 600 business I think is wrongly expressed, and whether rightly or wrongly I don't like that at all. That leaves a chance for playing with quotas. I don't think any of us want that. Let us make a time table and have it lived up to.

The CHAIRMAN. Let us take Australia's quota, which under any figure proposed is very small, a very small quota, say 100. If that was pro-rated at 10 per cent per month, it would cut it down to almost an impossibility. Suppose there are three less in a month, we will say, of the Australian quota, and here comes a man and his wife and four children. He has to wait and tries to get over into the next month, and by that time somebody has beat him to it. Now, that is the trouble with the small-quota country.

Mr. CURRAN. Yes; I agree with you. Some of those quotas are ridiculous as they exist at the present moment. The quota for Egypt, for example, the maximum for one month was four, and I know of an Egyptian family of six that never has started yet because they never could come all together.

The CHAIRMAN. In the preparation of this bill last spring—it was a committee bill rather than the work of any one man—it was the opinion that where the quota for any nationality is a very small figure, where we had to fix six or eight hundred, maybe 400 that a certificate could be issued on the regulation of the Commissioner General, and he might cut it into four quarters rather than 10 per cent per month.

Mr. CURRAN. I don't think that is necessary. He might do that for the best of reasons, and all of a sudden the family that ought to come in, in whose favor the greatest equities lay, might come along later on and no quota figures be left for them. But you never would divide a family, because you have got 200 for every nationality, plus 2 per cent, and there is 20 for each month, and there are not very many families over 20.

Mr. VAILE. But there might be 15 or 16 come in before the family has presented itself.

Mr. CURRAN. Then they would come in the next month. You would never get away from it, they can always come in on the next month under this bill.

The CHAIRMAN. Another thing to consider is that on the Pacific coast the sailing dates of vessels are much further apart than they are on the Atlantic coast. Vessels are not sailing every 30 days from some point, New Zealand, we will say, and this was designed to look after some of those minor details, where the quota from a country is very small, and it wouldn't make much difference to us when it was used, just so it was within the year. That is all there is to that. We don't need to debate that any further.

Mr. CURRAN. I thought it was taken care of already. I agree with what you say on that.

Now, paragraph (c), page 14. Personally I understand that, but a good many of my staff have felt that it ought to be clarified. They say, "What is the 'quota relative quota?'" and here you say no more shall be issued in any fiscal year than the quota for such nationality. And quota is defined in the same section, as I got it,

but some have not, and they have seriously expressed the desire that it be made more definite, more clear.

Mr. VAILE. Is there doubt as to whether the 200 quota applies to these immigrants?

Mr. CURRAN. Not in my mind, but I am speaking for the others.

Mr. FOX. Your associates are not the first ones who have criticized it.

Mr. BAKER. What is your view as to what it means?

Mr. CURRAN. I think the "relative quota" is exactly the same as the quota under the law.

Mr. RAKER. That would be 200.

Mr. CURRAN. Plus 2 per cent.

Mr. RAKER. But I don't think the committee ever intended that.

Mr. VAILE. That is what it said in this draft.

Mr. RAKER. But I always understood it the other way.

Mr. CURRAN. I think that ought to be cleared up.

The CHAIRMAN. That is a new provision in the bill and is one of the things that was not considered by the committee last year.

Mr. CURRAN. That alarms me a little, and I think it ought to be made very clear.

The CHAIRMAN. To me it meant just as you understand it, a quota of 2 per cent plus 200 for immigrants that might be of any degree of relationship, or no relationship, then another quota of 200 for certain close relatives, making the 400 which was in last year's bill. The base quota was 400.

Mr. CURRAN. That is what I thought. If there is any doubt about it, I hope you will clear it up. I don't want to see some judge knocking out that paragraph and saying there is no quota for relatives, because it was not clearly expressed.

Mr. WATKINS. What language did you use there?

Mr. CURRAN. I didn't have time to suggest a substitute, I am sorry to say.

On page 17, paragraphs (c) and (d), we are on our knees and pray that that be cut out. I don't see the necessity for the Secretary having the power to admit to the United States "any otherwise admissible immigrant not admissible under"—the quota law here—"if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant." How can the Secretary of Labor or anybody else know that the inadmissibility was not known to the immigrant? Only the immigrant knows that, and sometimes even he doesn't know it. I think that is a loose clause and will be fruitful of great abuse. I don't see any reason for that latitude. A quota is a quota, and this doesn't go to the cases of hardship; this goes to the case of the immigrant who says, "I didn't know I was inadmissible. I am sorry." And then, lo, he is admitted, perhaps.

We hope that paragraphs (c) and (d) will be taken out.

The CHAIRMAN. I will say that language means this—and your other suggestions run to this—this refers to the attempt to specially classify relatives, and gives the Secretary the right, if an admissible classification has been made, to admit an immigrant who might have been inadmissible under section (a), but to whom such inadmissibility was unknown. I agree with you fully that everything we

can do to take off the shoulders of administrative officers, the Secretary, or his assistants, by making the law explicit, should be done. I am tired of these continual appeals that will break down any man that they finally reach.

Mr. Box. And especially, Mr. Chairman, when Congress is either unable or unwilling to provide the immigration force with sufficient funds and men. We all know that is the truth.

The CHAIRMAN. I regret to say it is.

Mr. Box. You know what I have always said on that point.

Mr. CURRAN. Well, I don't want to interrupt that conversation. [Laughter.]

Mr. FREE. I think what ought to be done is, we ought to go before the Appropriations Committee and see that they get at Ellis Island what they need.

Mr. CURRAN. We had a visit from Senator Reed of the Immigration Committee of the Senate a little while ago. He spent several hours on the island and he saw that we need a larger staff and a better paid staff to get the proper personnel to inspect human beings and decide their cases, and when I said to him, "How can we move this stone wall?" he said, "Well, I think your best hope lies in the immigration committees of Congress. They know what has to be done and what should be done." Perhaps I have gone too far now.

Mr. RAKER. Now, subdivision (d), you have some remarks on that?

Mr. CURRAN. That follows after (c). That is part and parcel of (c), really.

Now, I would like to be sure and have this noted on page 18, line 19. That is what you gentlemen just spoke about—"the Secretary may admit such immigrants under the provision of subdivision (c)." Instead of that I suggest that you just say, "may admit such immigrant as a quota immigrant." I think that is a reasonable privilege that is given.

Mr. McREYNOLDS. What is that language you suggest there?

Mr. CURRAN. "May admit such immigrant as a quota immigrant."

Mr. RAKER. And strike out "under the provision of subdivision. (c)"?

Mr. CURRAN. Yes. These that follow are the suggestions that I make. Some of them I can save time by sending in writing later on.

Mr. RAKER. You had better make your suggestions now so that they will go into the record.

Mr. CURRAN. Very well. Page 19, line 24, "for such time"—put a comma there and then add "at not exceeding one year, as may be by regulations prescribed," and so forth. That is on line 24.

In the previous line, line 23, I would cut out the words "or (g)," because that refers to students which I hope are already eliminated as an exemption.

Mr. Box. Right there, Mr. Commissioner, I don't like to stop you, but does that mean that we are literally to eliminate students, except as they come in the quota?

Mr. CURRAN. If they are coming for more than a year I think they should come within the quota, as quota immigrants. If they come for less than a year I should think they might best come as nonquota immigrants.



**Mr. RAKER.** Mr. Commissioner, before you pass that, if we took the provision now—it is changed a little from what it was in the former bill as to students, and taking the further provision in the bill that the Secretary can require a bond and other conditions for their admission, if we required a report each year while they were in the institution, to the Secretary of Labor, we then would be able to keep track of them, wouldn't we, and avoid any question that might be raised about the admission of students? If we provide a method of keeping track of them, and then if they stay beyond the departing time, couldn't we cure the evil?

**Mr. CURRAN.** I think you can do it that way, but I think a more effective way of doing it is to let them come exempt for less than a year and within the quota over a year; then you have got a simple law, and the simpler the better. But if you require keeping track of them in the different universities and colleges, that is a very different thing. For instance, I had a letter a few days ago from the president of the American International College at Springfield, Mass. I am not acquainted with that institution, but he wrote to me about three Syrians who had come there as students and matriculated at his institution and had gone away for the holidays had not come back, and he was perfectly sure from his investigation that they never were coming back. They had gotten jobs somewhere.

**Mr. RAKER.** Will you just repeat that again, your views of how it should be done? I did not quite get that.

**Mr. CURRAN.** I think that a student coming in for less than a year—the usual term for the academic year in this country is nine months—should be exempt from the quota, should come as a non-quota immigrant. He should come with a certificate but as a non-quota immigrant exempt from all quotas. If he is coming for more than a year I think he should come within the quota, because I think that is more than a visit, and if you want to have two kinds of visits, a visit of a maximum of a year for ordinary folk and perhaps of four years and still call it a visit for students, certainly you can legislate to that end, but then you would complicate your statute and there might be other classes who would like to come for a visit of four years, and when you get up to four years they get the habit, most of them—I think they stay. I think they are immigrants that stay here for good.

**Mr. RAKER.** There is no doubt about that.

**The CHAIRMAN.** The argument has been put before this committee that if we are to have any immigration whatsoever, why admit the laborers and deny students the right to remain in the country? Why deny them the privilege to come here and avail themselves of the opportunity of American education? Now, covering that phase of it, we said immediately if the student provision is not cared for we will be flooded with requests to be heard by dozens of leading educators and leading citizens wanting this provision for students so that they may keep up with the exchange of students, these scholarships, and so on. That is world wide, and unless you do prepare for students you have got to be prepared to resist the efforts that will be made when this bill is outside the committee to place students in there in some form that is not prescribed.

Mr. CURRAN. I will tell you frankly I am not pressing this with the ardor with which I am many of the other provisions, but I would like to suggest this: In the case of the Chinese there is no quota at all; we exclude them except certain exempted classes, among whom are students.

Mr. SABATH. Does that apply to Japanese as well?

Mr. CURRAN. I believe so; I am not sure about that, Congressman. We have had no Japanese at Ellis Island as yet.

Mr. RAKER. What I would like to get, Mr. Commissioner, take the regulations as suggested in section 14 regarding students. If we kept a record of them, under regulations, and report was made regularly, and after the four years or three years or whatever time they had matriculated for was completed, they should return to the country from which they came—if they did not, they would be deported—we would keep a record of them and then we would not be complicated by those ineligible to come to the country at all but who desire to come as students. Many of them have come—and that is the record—as students, and as soon as they get here they do the same thing as your Syrians have done, they leave the institutions. Now, we are trying to do something to avoid that, but if you let them come in only as immigrants they could not come in at all, only for a year, and we would complicate conditions which we would like to prevent with the orientals, such as the Indians from India, the Chinese, and the Japanese, and the Filipinos; let them come in as students, as many as want to; keep a record of them while they are in the institutions; they must remain as students; if they come out into ordinary avocations of life they should be deported and we will avoid more complications with those nationals by doing that than we would by only letting them in for a year. That has been in my mind quite strongly to avoid that further complication, and if we can by law keep a registration of them it would cure that difficulty.

Mr. CURRAN. That would be hard to do.

Mr. HOLADAY. Following out Judge Raker's idea, would this plan be workable? After they had been admitted for their yearly visit, upon making a proper showing that they had during that year been a student in a bona fide institution to have that yearly certificate renewed for another year?

Mr. CURRAN. That would be possible; yes.

Mr. HOLADAY. I mean would that be workable?

Mr. CURRAN. I think so.

Mr. HOLADAY. From the administrative standpoint?

Mr. CURRAN. Well, I have this to suggest: I don't think we will ever find those three Syrians that left Springfield. They just don't do it. They don't care about the certificate. They just move and take a chance, and they are pretty hard to find. We have got 100,000,000 people in the United States and it is pretty hard to find two or three like that.

The CHAIRMAN. What would you do with them if you did find them?

Mr. CURRAN. They are supposed to be deported.

The CHAIRMAN. On what grounds?

Mr. CURRAN. These particular Syrian students at Springfield?

The CHAIRMAN. Yes.

**Mr. CURRAN.** Well, they are not students. They came in as students and they are not students, evidently, so I think they would come under deportation.

**The CHAIRMAN.** All right. Proceed.

**Mr. CURRAN.** On page 20, I would cut out lines 8 and 9, to make them conform—well, it is a technical change. It is purely a question of making it conform with the phraseology that follows. I could go into a long explanation, but it would simply cumber the record unnecessarily, I think.

**Mr. MACREYNOLDS.** You want to make it conform to the balance of the suggestions made by you?

**Mr. CURRAN.** Yes; and it is merely a change in phraseology, shifting the sentence from one paragraph to another. I am sorry I spoke of it.

Line 10, paragraph (b) on the same page, I would cut out. It is against public policy—isn't that what Blackstone said—discouraging matrimony?

**Mr. RAKER.** Now let us stop a moment and analyze that. Under the provisions of the bill without this section, they could come in and remain four years, any number of those excluded women, and upon their entry into the United States they could get married, have children, and the children would be American citizens, and they would remain here, students and all. Thousands could come in under the present law and even under this bill unless you have that provision in it. So if the Chinese student, female, or Japanese student, female, or Hindu student, female, or Filipino student, female, or Malay, they can come by the thousands and we are welcoming them; they could marry and go on for a while with their studies, and in the course of time a child would be born and the child is an American citizen. You don't want that to occur, do you? It is occurring right along.

**The CHAIRMAN.** The commissioner thinks we are depriving them of their natural rights.

**Mr. RAKER.** No; they come here as students and not to raise American citizens of an alien race that are unassimilable, that our whole life and existence in the West depends on, and we don't want to open the door now for numerous thousands to come and get in under a student class. Do you get my point?

**Mr. CURRAN.** Yes; I do Congressman. I am thinking of the other couple, where the student comes from Europe, whether a girl or a boy, and is much like an American, and they fall violently in love with each other and get married, and then the student has to be deported, apparently, at once, either he or his wife. We will have to separate them right away.

**Mr. RAKER.** He did not come over here to enter into the activities of this country; he came over here as a student and when he quits his student occupation he can go home and send for his sweetheart if he wants to.

**Mr. CURRAN.** I don't know so much about the Pacific coast. I would rather leave that to the committee. I was thinking more of Ellis Island.

**Mr. SABATH.** Wouldn't we miss the danger that Judge Raker speaks of by limiting the number of these Chinese, Hindu, and Japanese students that are now permitted to come?

Mr. RAKER. I would like to limit it to bona fide students. If any of those people want to come and go to our institutions for the sole purpose of obtaining the benefits of an American education and American ideals, and have got the money to pay for it, let them come. That is my view of the matter.

Mr. CURRAN. That is the American ideal, of course.

Mr. RAKER. I want them to keep that status. That is all. If ten thousand Chinese students want to come and go to our institutions, and can afford it, let them come.

Mr. BOX. What about limiting that provision to make it apply only to those you mention?

Mr. RAKER. No; we are trying to avoid that.

Mr. SARATH. We are liable to get into difficulty with that.

The CHAIRMAN. I think, Mr. Commissioner, we had better pass that.

Mr. CURRAN. On page 21, line 16, after the words "of a sum sufficient to cover such fine," I thought it would be more clear if you added the words "and transportation." That is the return passage money of the immigrant who did not get in. But that is a minor matter.

Line 17. I would begin paragraph (c) with this sentence: "Such delivery of transportation sum shall not be remitted in any event," and then go on with the words "such fines shall not be remitted or refunded" etc. The fine is heavy. It is \$2,000. The passage money is about \$100 or a little more.

Mr. FREE. Will you state that first part again?

Mr. CURRAN. I would begin paragraph (c) with this sentence: "Such delivery of transportation sum shall not be remitted in any event" and then go on, "such fine shall not be remitted or refunded, unless it appears," and so forth. I think it is fair enough if he gets his passage money back, with this bill in mind.

I am very much in favor of section 17, on page 23. That, I hope, will do away with what are known as rebates. The rebate is an endless chain. You don't know whether a new open number in the quota has suddenly popped into existence until the immigrant who had it comes and until the one that utilized that number has actually been deported. It may be weeks, it may be months. You never know where your quota stands, and this will do away with the rebates. It would slightly diminish each quota, an infinitesimal amount, I think. I hope section 17 will stand as it is.

Page 24, section 18. We are very anxious indeed that the whole section be taken out and that every reference to certificate of arrival throughout the act be omitted; in other words, that there be no certificate of arrival. We don't see just what good it does, commensurate with the tremendous difficulty of preparing and exacting it. I think we would have to double our inspectional staff and the corollary employees throughout the service.

Mr. BOX. That is an old question before this committee.

The CHAIRMAN. Have you had any trouble looking up arrivals in years past on manifests of ships at Ellis Island?

Mr. CURRAN. I don't think it has been a troublesome matter, but I would like Mr. Uhl answer that. I don't think it has been a troublesome matter.

**Mr. SABATH.** You think you will be unable to keep up with the requests for certificates of arrival every month?

**Mr. CURRAN.** We have a shortage of staff now, Congressman. We are three years behind in our card index.

**The CHAIRMAN.** You are three years behind now on the index of arrivals of immigrants that may want to become citizens?

**Mr. CURRAN.** Yes.

**Mr. RAKER.** And practically all of the naturalization examiners claim that it would be one of the most serious things that could be done in the way of forbidding fraudulent naturalization, to do away with the certificate of arrival.

**Mr. SABATH.** As I recollect it, Mr. Crist recommended the same thing, made the same recommendation that the commissioner has made.

**Mr. RAKER.** I am taking the statement from the actual examiners themselves. I have seen a couple of them within the last two months, have gone over this matter with them, and they say "We are in favor of honest, fair, square naturalization and don't under any circumstances permit that certificate of arrival to be done away with."

**Mr. CURRAN.** Congressman, that is fine for them, but it is pretty bad for us. We are the Immigration Service, and to give them that slight added benefit—and I don't agree for a moment with the strong terms that the naturalization man has used—we have got to double our force and slow up the inspection at the same time, to go through all these different motions in the crowded, stuffy, second cabin of a ship that has docked in the North River, and I don't think it pays. I don't think it is worth it. Already we can give them a certificate of arrival that is good enough for all practical purposes, direct from the manifest, which is preserved in a fireproof vault and readily obtainable. We do it every day of our lives. This business of being three years behind that I speak of is merely the drawing off from the manifest sheets the particulars and entering them on a typewritten card index.

**Mr. RAKER.** And if this goes out here the law stands just as it is to-day, so far as naturalization is concerned, taking this out.

**The CHAIRMAN.** Let me ask you if it would not simplify this paper process a little to have the quota certificate, if necessary, made in triplicate, one copy of which might be indorsed by the officer who admits the alien, and serve as a certificate of arrival?

**Mr. CURRAN.** That already may happen with the bill as it stands, because your immigration certificate is taken up and sent to the Secretary of Labor at Washington. There it is. You are simply putting an unnecessary duplication on the inspector, and it is going to take hours and hours, no matter how many inspectors you have, to do this clerical work.

**The CHAIRMAN.** The idea of this was to give the arriving immigrant a paper which shows his proper arrival in the United States.

**Mr. CURRAN.** I don't think he needs it. We don't get one application in three months from an immigrant who has arrived who wants a certificate, a diploma, so to speak, of his arrival in the United States. He doesn't care about it.

**The CHAIRMAN.** I know, but you have nunc pro tunc processes all over the United States where the courts willy-nilly declare the

man entered properly and legally, and you can't find his ship or true name, and so it gives him the finishing process for citizenship.

Mr. CURRAN. I don't know the extent of that. I don't want to speak from knowledge on that.

Mr. RAKER. In other words, Mr. Commissioner, taking this section out would just relieve the work of the immigration department of entry, and the law relative to naturalization would stand just as it is now. That is right, is it not?

Mr. CURRAN. Yes. Well, they would be much better off, because instead of a mere statement on a manifest, our naturalization friends would have this immigration certificate, which is a very complete thing—that would sound fine—right here in Washington.

Mr. BACON. Mr. Chairman, why doesn't your suggestion cover every possible requirement of this certificate of arrival, if there is an indorsement on the original immigration certificate of the arrival?

The CHAIRMAN. I think we will take that up when the committee finally gets to consideration of the bill.

Mr. CURRAN. That is in it already, Congressman.

I think some of these fines are pretty heavy. I think the Secretary would hesitate to impose fines to the amounts named here, and I think a uniform fine of \$1,000 right through the act would be a simpler matter, and I think we probably would get a little more money for the Government and the fine would be oftener imposed at \$1,000 than it would if it ranged from \$3,000 to \$10,000. I don't think, if you look through the records in Washington, you will find very many of them in real money in the Treasury of the United States. A uniform fine of \$1,000, it seems to me, will let the company know what it is up against. That is a general suggestion that runs to the old act.

I think that will be a good amendment to make in the general law of 1917. As to the general law, if I may, I would like to make one suggestion that is borne in on us pretty hard. Regardless of what I may be, or the next Commissioner at Ellis Island—and there is always a next one—the power to decide the appeal of the alien from a decision of a board of special inquiry excluding him from admission to the United States, I think, should be vested not in the Secretary of Labor but in the commissioner of immigration at Ellis Island. I realize full well the added labor, if I am still there, that I will undertake under such an arrangement.

Mr. BOX. And that would be the local commissioner everywhere else, too.

Mr. CURRAN. Yes, sir. And I think it is so important, it will only take a moment, and I would like to state my reasons.

At Ellis Island, or any other immigration station, if you please, the official in charge sees the immigrants, handles them, knows them, listens to them every day of his life. He is far better fitted to decide whether an immigrant is telling the truth, whether his facts come within the legal category requisite than is any official at Washington, where they never see an immigrant, never talk with him, do not handle immigration; where they handle only a typewritten sheet of paper giving the bare record of the testimony before the board of special inquiry at, we will say, Ellis Island.

Now it has been suggested that a decision may better be given at a place other than the station itself, where there is detachment from pressure. I don't think that in these days of fast trains and volu-

minous communications, Washington is any more detached than Ellis Island or any other part of the United States. That is not my impression.

Mr. Box. Is Washington more detached, do you think, Mr. Commissioner, from political influence, than Ellis Island? Congressmen down here are making appeals and worrying the department to death to let our constituents in, friends of our constituents.

Mr. CURRAN. One of the pleasures of my work has been to make every effort, and I hope it has met with approval, to answer the requests for information that have reached me from Congressmen. It never has interfered in the least with the administration of Ellis Island. It has never bothered me at all. And that is not in light vein; it is the truth. I think it is a tribute to Members of Congress. That has been my experience.

Mr. Box. I understand that fully, but you were talking about simplicity and directness of administration and the results. That is what you had in mind. Don't you know, as a matter of fact, that the Department of Labor is very much burdened here in Washington with such appeals as that, very much burdened? I don't mean that they are restive under it.

Mr. CURRAN. I do not merely know it; I am dead sure of it.

Mr. CABLE. Mr. Commissioner, if you did go over these, you could not do anything more than they do here in Washington—that is, just go over the records. You would not listen to witnesses or have an appeal from the board, would you?

Mr. CURRAN. Well, I would have the board of review allowed by the law in operation at the station, at Ellis Island, instead of at Washington. The Second Assistant Secretary of Labor, who to-day decides these appeals, is not able to go over all of them. They come from all over the country. He has a board of review.

Mr. CABLE. Your idea is to shift the board from Washington to Ellis Island, and what would you do at Montreal, for example?

Mr. SABATH. You would do that at all ports of entry?

Mr. CURRAN. Yes.

Mr. CABLE. At every port?

Mr. CURRAN. I can not imagine a finer thing for the service than having appeals at Montreal decided by Commissioner Clark. He has been 25 years in the Immigration Service.

Mr. CABLE. I know he is an able man, but my idea was that at every port of entry would you have a board of appeals take up these cases when the commissioner there held that they were debarred?

Mr. CURRAN. I might have missed that. I want to thank you for asking me that question. Only where the volume of cases makes it a necessary incident of the machinery. In some stations there would not be so many appeals and the commissioner could handle it himself. Now, let us safeguard that. I would have the commissioner able to rely on the board of review at his own station, but I would also compel him to report to the Department of Labor at Washington his decisions and the reasons for them and why he did it, and have those records accessible. And the greatest thing of all that this would accomplish would be the saving of delay. As it is to-day in Ellis Island we have to send our records to Washington for consideration there. They have to go down there before ever a

decision can be entered. Then we may get word of the decision by telephone or by wire or maybe by mail. But week after week—and it is no reflection at all on the machinery at Washington; we have handled a year's immigration in six months and the burden has been felt all along the line—but week after week there have been undecided appeals backed up, and the alien has waited on Ellis Island, and it is while the alien is detained at Ellis Island that the insufficient accommodations are felt. He grows sick. He may die. If he lives—these are facts that I know about, I can give you cases and names—if he lives, he remembers for the rest of his life his detention at Ellis Island. That was his reception to America, and he becomes embittered, or if he goes back, there is an inimical feeling started because he feels he has not been treated justly on account of the delay, and this would obviate delay.

Mr. CABLE. The real trouble is delay, and not who passes on the cases?

Mr. CURRAN. That is the greatest trouble. I think it is two headed. I think that is the greater of the two, but I think, if I may put it concretely, that I am better able to pass on appeals of immigrants who have been excluded at Ellis Island than anybody in Washington that does not see them.

Mr. CABLE. But you would not know any more about the case than they know here, because you have so many duties that you would have to rely on somebody else for details. You would not see the witnesses; you would not see the immigrant.

Mr. CURRAN. Well, Commissioner Williams took up numberless cases where he knew the aliens. I do the same thing myself, but when I do it now and get what I think is the truth of the case, I have found that my brother officials of the staff very largely invariably agree with me. They have had more experience than I. But as it is to-day, I not only can not decide the case but I can not even make a recommendation. I can not say what I think of this case. I must forward only the bare record, the record of the testimony. I can not even recommend that the alien be admitted on bond or excluded. I am done, and we all are, necessarily so under the regulations at Ellis Island, where we handle the immigrants. I think I can decide that better and I think I can decide it quicker than they can in Washington. And there are delays in some cases that do work cruelty.

Of the two things that make your work all important, I think the most important part in the preservation of the policy of restriction is to so fashion the law and so arrange its administration that we will not have these cases that come up one after another where a hardship is worked that involves cruelty and makes odious the whole policy of restriction. And I am for restriction.

Mr. CABLE. If you start in on that work you would not have time for anything else. You would not even be able to read the record in all the cases, would you?

Mr. CURRAN. Incidentally to that, I think there are seven or eight different grounds for exclusion which can be made nonappealable, just as a few of them are to-day, which lessens the work. Furthermore, the bill itself by its admirable provision for counting immigrants on the other side before they start will lessen the number of detentions appreciably. Forty per cent of the deportations



from Ellis Island in the last six months ending a week ago were excess quota cases. Of the detentions, the last figures I have show perhaps 12 or 14 per cent.

Mr. RAKER. What you mean, Mr. Commissioner, is that you would leave the law as it is relative to the hearing by the board of special inquiry.

Mr. CURRAN. Yes.

Mr. RAKER. Now if the board of special inquiry held that the immigrant was not admissible under any of these exemptions provided in the law, you would allow the commissioner of immigration at the port to finally decide that case?

Mr. CURRAN. Yes, sir.

Mr. RAKER. Instead of having an appeal to the Secretary of Labor?

Mr. CURRAN. Yes, sir.

Mr. RAKER. So the record and the party and all would be right there, and the commissioner would be able to take it up within an hour or two hours, the next day after the appeal was taken?

Mr. CURRAN. Yes; and that was the intent of the law.

Mr. McREYNOLDS. You could even call witnesses if you desired. You could see them in person.

Mr. CURRAN. I do to-day, every day of my life. There are always one or two or three cases where I see the aliens myself, to try to see that the thing is administered justly and yet in the interests of the United States of America.

Mr. RAKER. It was stated before the committee the other day by a gentleman that they have an organization that appeals every case. They make it their business to appeal every case in which the immigrant is ordered deported, good or bad or otherwise, knowing when they appeal that they will be disposed of so as to keep them out of the hands of sharks. This would obviate that, would it?

Mr. CURRAN. It would do away with a great deal of it, yes, and very happily so. I think there is a difference between welfare work and a skillful, efficient, well developed engine for admission of the possibly inadmissible immigrant.

Mr. RAKER. So the only change that would be required would be to amend that statute by saying that appeal should be taken to the commissioner of immigration at the port of entry, whose decision should be final?

Mr. CURRAN. Yes, sir; where it says "Secretary of Labor" substitute the words "Immigration official in charge." And everybody in the Ellis Island staff to whom I have talked about this believes that would be a beneficial change, and the authorities in Washington have expressed themselves favorably, although I do not feel that I should quote them; and if I were an authority in Washington I would far rather have the man at Ellis Island decide those appeals than try to do it myself with nothing before me but a piece of paper.

Mr. CABLE. You think there would be uniform operation of the law if instead of one board here passing on cases, they were passed on by different persons all over the country?

Mr. CURRAN. I never spoke to Congressman Cable on this subject, I think, in my life, but he is asking me the question now that I might have omitted the answer to, and I am very grateful to you.

I think there are two ways in which that can be insured. First, let your immigration official in charge at the station report promptly and fully his decisions and reasons for them, so that in looking over these papers here in Washington, if it appears that the man at San Francisco or the man at Montreal or the man at Ellis Island or elsewhere are going off in different lines, the man in the field can be informed of that. You see, we should also see this from a national point of view at Washington and by even a decent modicum of team work that can be accomplished. And furthermore, I want the Secretary of Labor still to have the power to make regulations under the law, and with regulations that come within the law you can go a long, long way in laying down uniformity of policy. I think those two things would safeguard that amply.

The CHAIRMAN. We have reached a point now where we will take a recess.

Mr. FREE. There is just one question I would like to ask Mr. Chairman. The question is not concerning this bill, but I would like to ask the commissioner at some time, if he is going to be here again.

Mr. CURRAN. I am at your service. This is the most important thing I can do.

The CHAIRMAN. We will recess until 2 o'clock, at which time you can interrogate the commissioner further.

(Whereupon, at 1.20 o'clock p. m., a recess was taken until 2 o'clock p. m. this day.)

#### AFTER RECESS.

The committee reconvened at 2.30 o'clock p. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. I think we have about finished with Commissioner Curran, who may be recalled later, if necessary. We will proceed now with Commissioner Clark, who is stationed at Montreal.

#### STATEMENT OF MR. JOHN H. CLARK, COMMISSIONER OF IMMIGRATION AT MONTREAL, CANADA.

Mr. CLARK. I do not know along just what you would like to hear from my end of the immigration work. You have gone over the new bill, and I would appreciate some suggestion to start me along on a line that would be of interest.

The CHAIRMAN. You have been in the service how long?

Mr. CLARK. Twenty-five years.

The CHAIRMAN. And stationed at Montreal how long?

Mr. CLARK. Twenty-two years.

The CHAIRMAN. Have you had much difficulty in the past two fiscal years in connection with the so-called quota law?

Mr. CLARK. Yes, sir.

The CHAIRMAN. You might discuss that for a moment.

Mr. CLARK. Of course, the difficulty that we have is with the smuggling of aliens who first secure landing in Canada and then put themselves in the hands of smugglers to get over the border into the United States.

The CHAIRMAN. What is that, again.

Mr. CLARK. Our trouble with the quota law is on account of the smuggling of aliens who get into Canada first as settlers and then come into the United States.

The CHAIRMAN. Do you think that runs into any considerable figures?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Can you make an estimate?

Mr. CLARK. I just got a copy of your bill the day before I came away and have not had time to look it over. I can give you the figures from three of our principal border ports. Newport, Vermont, Rouses Point, and Malone.

The CHAIRMAN. The latter two in New York.

Mr. CLARK. Those are the principal runways from Montreal to New York, over the Delaware & Hudson and the Rutland lines, ports of entry which do considerable passenger and freight business. We had in the last term of the criminal court at Utica, N. Y., three weeks ago, as having been arrested at Rouses Point, 57 aliens, 43 of whom were convicted under the passport control law. We have no power to convict them under your immigration law.

Mr. FREE. What is the passport control law?

Mr. CLARK. It is that portion of the passport law which is still in effect. Part of it is canceled.

Mr. FREE. They use forged passports?

Mr. CLARK. Yes; coming in without the passport and visé. There were 43 convictions for that alone in that term of court; at Newport we had 46 convictions in the term four weeks ago.

Mr. McREYNOLDS. How long a period was that?

Mr. CLARK. It would cover about two months in which these men were arrested. At Malone we had 52 in the same term of court at Utica, because one is in the northern district of New York, and the other is in the district of Vermont. You can see what that amounted to at these three border ports of entry. Perhaps we can get at the story of it.

Mr. McREYNOLDS. What did you do with them after conviction?

Mr. CLARK. Put them in jail, fine them, and deport them. But you see what it is costing the Government to arrest them, hold them, take them to court, pay marshals' fees, and then deport them.

Mr. FREE. Do you get the fines?

Mr. CLARK. It is \$250 and 30 days in jail, in each case a uniform sentence.

Mr. FREE. Are these fines ever collected?

Mr. CLARK. Some of them are. But the others stay in jail for 30 days more and take the pauper's oath to get out and we deport them.

The CHAIRMAN. These persons coming through the border were not originally admitted to the United States through the port of Montreal?

Mr. CLARK. No; admitted to Canada.

The CHAIRMAN. They were admitted as immigrants to Canada.

Mr. CLARK. Yes. The more you restrict at your United States ports the more you are going to have as immigrants to Canada. We have tried that for several years, as you know. You must put something in your law that will administer the same punishment to those that come by that route and smuggle into the United States. Other-

wise your law becomes just that ineffective. We have nothing in our law to take care of that situation, and I do not believe there is an immigration man within the sound of my voice, or in the service who does not realize the necessity of some such law as that. Mr. Cable was in our office for a day or two and he discussed that feature with me and he heartily concurs in what I am saying.

The CHAIRMAN. He has a bill before the committee.

Mr. CLARK. He has a bill along that line and said to me that he had it. To get at the volume of traffic coming over there, I have taken the figures for 10 years up to June 30, last. We admitted from Canada to the United States 13,142, who came ticketed to the United States via Canadian seaports, and then admitted 104,840 who were residents in Canada, of whom 88,460 were Canadian citizens, and 16,380 were other aliens. That was for the last year I am speaking of. The total for 10 years admitted was 823,529, and during that same period Canada took 488,106 from the United States. So you see how much the balance is in favor of our country in the immigration movement between the two countries.

Canada is taking advantage of our restrictive endeavors to populate its own country, and just recently all the American lines, or the principal American lines have arranged a schedule of ships to go to Halifax, something we never had before, and the Canadian Government is undertaking to bring in within the year three to four hundred thousand immigrants. They have sent some of their principal officers from Ottawa to Europe now to organize the work.

The CHAIRMAN. That is, to solicit immigration.

Mr. CLARK. Of the kind they want.

The CHAIRMAN. In certain countries.

Mr. CLARK. I think it is true all over Europe.

Mr. FREE. Farm labor?

Mr. CLARK. Principally farm labor, if they can get it, but they are not going to restrict it to farm labor. Up to April 1, last, they operated what they call a restrictive immigration policy and they admitted only from the United Kingdom farmers and domestic servants. Then last April they opened the door to aliens of all occupations from the United Kingdom. Now, they have applied the same rule to all of Europe, and in Ottawa they have decided to go ahead with their immigration propaganda in a very active manner. That means, if it means anything, that with our restrictive laws the smuggling is going to be greater than it ever was, because you can see from the figures I have given you what the result of immigration to Canada has been.

The CHAIRMAN. For the year just ended to March 31, 1922, Canada got about 85,000 immigrants.

Mr. CLARK. During our last fiscal year we took out of Canada 104,840.

The CHAIRMAN. For the previous year, to March 31, 1922, Canada's immigration amounted to 90,000.

Mr. CLARK. We took out 46,119 that year.

The CHAIRMAN. Canada with free public lands, and with a policy of encouraging immigration restrictions, has not received great numbers.

Mr. CLARK. No; and many of those obtained have failed to stay, Mr. Chairman.

The CHAIRMAN. Even though they do not stay.

Mr. CLARK. They will not stay there. During the 10 years previously mentioned, though our American citizens went up into Canada, we received back in the 10 years, to resume residence in the United States, 246,485 of our own citizens.

Mr. RAKER. How many went there?

Mr. CLARK. Who went to Canada to take up lands and for other purposes, 246,480 have come back.

Mr. RAKER. How many went up altogether?

Mr. CLARK. I could not tell you of American citizens. You can see in what proportion they come back. So what we are most interested in, Mr. Chairman, is to secure legislation that will enable us to control that smuggling business. Your law, and our general law, will not be of any value if we can not block up the back door.

Mr. McREYNOLDS. What do you suggest?

Mr. CLARK. I suggest a law with some teeth in it so that when a man smuggles across the border he will run into some danger, when apprehended. Now, all that we do is to deport him, and some are deported two or three times.

Mr. SABATH. Do you not need additional men for that purpose?

Mr. CLARK. We certainly do if you can find them.

Mr. CABLE. A hundred thousand came across the border during this particular year?

Mr. CLARK. Yes.

Mr. CABLE. And according to the commissioner's report, there are 47 highways in your district that are unguarded?

Mr. CLARK. Between St. Albans, Vt., and Rouses Point, N. Y., there is a stretch of 30 miles and 29 unguarded highways that an automobile can go over, night or day. So you can see what kind of a proposition you have got. According to our figures, kept up 20 years, we have a movement of passengers to the United States that amounts to 1,000,000 passengers a month by boat, train, and ferry, and that has been increased during the last year so that it was 1,400,000 a month, on account of the heavy automobile traffic.

Mr. CABLE. Would it be possible to inspect those people who come by street cars and automobiles?

Mr. CLARK. No, I am afraid not. I do not know just how we would take care of traffic coming from Canada, but one thing the committee should realize is that they are going to bring the traffic to Canada, because all the steamship companies are going to engage in it. I have been in New York to discuss the matter with them, and I know their schedules and the number of ships arriving at Halifax, and they are arriving as per schedule. They all hope to get a proportion of the thousands expected to come to Canada, and because of that we are going to get a like proportion of smuggling across the border, and we ought to prepare ourselves to take care of it.

Mr. WILKINS. Would a clause like this have any teeth in it:

That any alien who shall, after he has been excluded and deported or arrested in pursuance of the provisions of this act, thereafter return to or enter the United States or attempt to return to or enter the United States, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than two years.

Mr. CLARK. Yes, that is getting at what we are up against. Whatever we do with this matter should be done speedily. You all realize that. Putting them in jail at the expense of the Government, marshals' fees, railroad fare to the Federal court sessions, and so forth, is an expensive undertaking. I am not a lawyer, but I think some way could be devised to have magistrate authority put into the hands of the United States commissioners, whom we have all along the borders from the Atlantic to the Pacific, so as to take these people to the United States commissioners and have their cases dealt with there, punished or put in prison or deported or fined, quickly. The Canadians do that to perfection. I do not know about it; it will be for you gentlemen who are lawyers to figure it out, but in section 76 of their law—

The CHAIRMAN (interposing). Edition of what year?

Mr. CLARK. I have but one copy of the law. In section 76 of their law they have a provision covering it.

The CHAIRMAN. Immigration act of 1923, print issued by the commissioner of immigration and colonization, Ottawa, August, 1923.

Mr. CLARK. That is the latest issue of their immigration legislation. They appear to have some way to arrest a man for this offense of smuggling in and take him before a magistrate operating under provincial laws, and punish the offender. Now, could we do that by taking them before a State magistrate? I do not know. But if we could that would solve the whole problem, or by taking such aliens before the United States Commissioner if you could give him that power.

Mr. CABLE. I do not believe that without a jury or indictment of some kind you could give him a sentence of imprisonment.

Mr. CLARK. I think they limit the sentence and fine that can be applied by this magistrate in that section, and it is a beautifully worked-out program. When a man smuggles in they take him without a warrant directly before a magistrate and they punish him then and there. They do not house him some time or hold him for months at the Government's expense.

Mr. WATKINS. If you made the penalty less than for a felony you could plead against him on information.

Mr. CLARK. That is what we should have and must have to make your law effective. You gentlemen will have to work it out.

Mr. HOLADAY. In these cases where you obtained conviction, where were these men arrested?

Mr. CLARK. On the border, for smuggling. Our men are travelling that country night and day. Most of them were arrested by four men working all day and expected to remain on duty at night after inspection of their trains.

Mr. HOLADAY. If there are 29 of these roads to watch, what is the use of them going on the trains?

Mr. CLARK. That is what happens. They drive across these roads.

Mr. WATKINS. You are not speaking about the men you do not catch but about those you do catch.

Mr. CLARK. Yes.

Mr. WATKINS. If one road out of 30 is guarded, why should any man run a very big chance of getting caught?

Mr. CLARK. If we had more men and money to operate properly, these roads could be guarded.

Mr. Box. Many of them get in but they catch many of them, too.

Mr. CLARK. We catch many of them because we have connections as far south from the border as Albany, such as police officers, sheriffs, deputy sheriffs, and even farmers who are friends of ours get information and telegraph us to get them. That is how we pick them up, but our men are out night and day, and that is what they have to do to in any way meet the situation.

Mr. CABLE. Do you believe the reward system is a good thing?

Mr. CLARK. It has been very effective in the case of smuggling of Chinese. You give farmers \$10 or \$20 for giving information about catching Chinese, smuggling Chinese, and he likes it and he is going to look for some more. He does not see \$10 or \$15 coming along all the time.

Mr. HOLADAY. What is a Chinaman worth, caught that way?

Mr. CLARK. They pay from \$200 to \$300 to get over.

Mr. HOLADAY. What do you pay for catching them?

Mr. CLARK. Ten to twenty dollars, whatever we can get the department to consent to. Mr. Chairman, I am going to leave with you, if you will let me, some suggestions as to how we would like to have the law amended. In the first place, I would like to have your law amended so as to compel the railroad company or anybody else building an international bridge across the northern boundary to have that bridge guarded at the company's own expense. Take the International Bridge at Sault Ste. Marie, Mich., which is not a regular avenue of entry for passengers other than those by train, or any bridge, whether it is a train bridge or vehicle bridge, why should the Government be put to the expense of guarding that bridge to prevent immigrants coming in in violation of law. We have no penalty in our law and no provision in our law to compel the company to guard that bridge. That is one of the things we would like to have provided for in the law. We want an amendment to section 8 of the present law, if you can, so as to impose a sentence of at least sixty days on any offender coming in. Now, a judge can give him one day in jail and a fine and the next day he is out and at his business again.

Mr. SABATH. You mean those really guilty of smuggling?

Mr. CLARK. Yes. If the smuggler has influence enough he gets that one day sentence, \$100 to \$200 fine, and the next day he is back at his business.

Mr. SABATH. He can be sentenced for one year.

Mr. CLARK. Yes.

Mr. CABLE. Three years.

Mr. CLARK. They do not do it. Make it a minimum of sixty days in prison. Jail is what they do not like. Furthermore, we would like authority in the law to seize the vehicle engaged in the smuggling of immigrants.

Mr. CABLE. That is in Secretary Davis's suggested bill.

Mr. CLARK. I have not seen that bill as yet.

Mr. BACON. I think that is a reasonable provision.

Mr. CLARK. They do seize it for smuggling liquor. We have nothing in our law to enable us to take the vehicle engaged in the smuggling of immigrants, and the smuggling of these immigrants is many times more hurtful to the country than booze, if it is good booze.

We would like to have the law amended to punish those who harbor aliens, in section 8. That was left out. It was intended to be in there when you enacted the law of 1917, but went out by a mistake somehow. We ought to have something to punish these people along the border who house these people until they are taken away.

Mr. SABATH. Is that not in section 3?

Mr. CLARK. It leaves out the question of punishment for harboring.

Mr. SABATH. That applies only in the white slave section.

Mr. CLARK. We would advocate that this question of procuring passports for immigrants deported, of which there are hundreds, be fixed so that the steamship lines get those passports, if they have to have passports, for those that they brought over. Why should our Government be taxed that expense? We can not deport anybody now without a passport. Our Government has to go to all the trouble of getting passports.

Mr. SABATH. We have to get it and pay for it?

Mr. CLARK. Why not make the steamship line that brought the man bear that expense and do that work?

Mr. CABLE. The Government has to pay for a guard for the alien.

Mr. CLARK. Yes, they have to guard them and feed them and take them to the seaboard.

Mr. HOLADAY. Suppose an immigrant came to Canada and the steamship company brought him there in good faith and complied with all the regulations applying to Canada, but then he slipped across?

Mr. CLARK. I will come to that in a moment and will tell you how this plan works so that you will be familiar with it. We make the steamship lines coming to Canada, under our agreement, do just what they would have to do if they came to New York, so the process or procedure is the same.

The CHAIRMAN. That is an agreement whereby aliens are brought into Canada and through Canada for domicile in the United States. It is different from the case of an immigrant who stays in Canada.

Mr. BOX. An immigrant that does not come in such a way can not get a landing except through this agreement.

Mr. HOLADAY. Suppose an immigrant comes to Canada on some ship not covered by this provision and complies with all the laws and enters Canada, and then undertakes to have himself smuggled across the line?

Mr. CLARK. There is no steamship line coming into Canada that is not a party to this agreement, because bringing the passengers by that route to the United States is a profitable business for them and they would not hurt their business to the extent of compelling passengers to remain in Canada for a period of two years when they can escape all that by signing our contract.

Mr. BOX. They are all parties to it.

Mr. CLARK. They are parties to the arrangement so that when we have to deport a man who came by way of Canada we go through the same procedure as deporting them from New York City.

Mr. HOLADAY. Maybe I do not understand the situation. Here is a case, for example. Suppose an immigrant goes to a steamship company and says, "I want to emigrate to Canada," and complies with all the regulations, lawfully enters Canada, and then undertakes to slip across our border?



**Mr. CLARK.** If he comes within any of our deportable provisions of the law, we deport him just the same.

**Mr. HOLADAY.** In that case, would you want the steamship company to bear the expense?

**Mr. CLARK.** Yes, sir. They can do it easier than we could.

**Mr. HOLADAY.** It looks like that would be putting a burden on the steamship company to guarantee the future conduct of the alien.

**Mr. CLARK.** There might be a few cases where it would be imposing a burden on the steamship company, but there are not many. We do know that it is a big expense to our department to hold these people that are deportable until we can get passports necessary to return them to the countries whence they came.

**Mr. VINCENT.** When there is difficulty in obtaining passports, what happens to immigrants then that are expected to be returned? There frequently is difficulty in obtaining proper information upon which to frame request to the foreign countries?

**Mr. CLARK.** That is where the expense comes in.

**Mr. VINCENT.** I know that in my own county now there is held in the county jail a woman put in there last April awaiting passports from Germany.

**Mr. CLARK.** Yes; we deported a man two weeks ago who had been in jail in Vermont eight or nine months until we could get the necessary papers for him.

**Mr. FREE.** He tells his friends and it might help others in doing the same thing.

**Mr. SABATH.** They will find out quick enough.

**Mr. CLARK.** We have heard a lot to-day about restrictive features and we are all in favor of restriction. I know I am. But we have not said very much about the selective features of the act, and that is where our law is lame. We are talking about numbers all the time and not about quality. Our immigration service has never been organized, and I think immigration men will support me in that statement universally—it has never been organized to provide for what we might call selective immigration. There is a man who has been in the service for 30 years who will indorse what I say on the subject, Mr. Uhl.

**Mr. UHL.** I do.

**Mr. CLARK.** Start with the medical end of it. There are 1,000,000 passengers per month entering from Canada and we have but 23 doctors on the entire border, such officers being stationed only where boards of special inquiry are maintained. All the others come in without medical inspection. You can not, by a system like that, hope for selective immigration.

**Mr. BOX.** You are talking about inspection at our ports of entry?

**Mr. CLARK.** Yes; down in the Maine woods the operators there in the pulp and lumber industries needed this last year, perhaps 20,000 men. Instead of our selective system providing for the help which we really want, we let in 50,000 to 60,000 plasterers, carpenters, barbers, etc., and we do not get the people we want. I am talking about the flexibility of the law. This was a legitimate enterprise and had to solicit that help from somewhere else to get their work done. There are 15,000 idle farms in the State of Maine, and what that State would like to do would be to go abroad in Scandinavian countries

and bring in farmers to populate these farms with people, who in the winter could go into the woods, so they would have men to do that work. That is what I would call solicitation of immigration. All along the border people would like help of that kind, because they can not get it in the United States, and have to go abroad for it.

Mr. WILSON. Your idea of selective immigration is to have some one go to a foreign country.

Mr. CLARK. Under the authority of the department.

Mr. WILSON. To find the people who will fill the needs here.

Mr. CLARK. That is the point exactly. That is what we call selective immigration.

Mr. WILSON. Where is this examination to be? When he comes to the port here?

Mr. CLARK. Yes, sir; he will have to measure up to the requirements.

Mr. WILSON. That is a new idea, selective immigration. What has been talked about here has been to have it come from the consular agents abroad.

Mr. CLARK. That might be well. I am not saying what the process shall be. If we are going to let in people, let in the people we need.

Mr. WILSON. We could carry out your plan without running into any controversy about violating the treaties?

Mr. CLARK. Yes. We are taking now numbers without regard to what we need.

Mr. WILSON. Without regard to anything except who can get in.

Mr. RAKER. I understood you to say 15,000 farms were idle or not used in Vermont?

Mr. CLARK. In the State of Maine there are 15,000 unused farms.

Mr. RAKER. They have been used at one time.

Mr. CLARK. But they have been abandoned.

Mr. RAKER. What became of the original occupants and their sons and daughters?

Mr. CLARK. A gentleman I saw out in the other room, a former president of the State Chamber of Commerce in Maine, and I got my information from him, who has studied this subject, says they have left the farms and gone to the urban centers. The young men have gone away where they can make more money, and the old folks have died out or are unable to work the farms. There are 18,000 idle farms in Michigan.

Mr. RAKER. There are 15,000 idle farms in Maine, which have been abandoned by the old folks who originally occupied them, and their sons and daughters have moved to the large cities?

Mr. CLARK. That is what is stated.

Mr. RAKER. Now, tell the committee, if you please, how you are going to bring the alien farmers to these same 15,000 farms and have them remain there and be contented and become American citizens, when the original stock that owned the farms abandoned them, and they and their descendants have moved to the large centers of population where they could see the beautiful lights and paved streets?

Mr. CLARK. There is no better answer to that question than what the State has already done. It brought out to that section in northern Maine, what they call New Sweden, and it is one shining light in that State right now, in the agricultural industry.

Mr. RAKER. Why don't these boys and girls with their relatives and parents that lived there go back and outshine those from Sweden?

Mr. CLARK. I can not answer that question.

Mr. RAKER. That is the thing we have got to sooner or later solve.

Mr. CLARK. To get our people back to the farm. That I can not answer.

Mr. FREE. Is it not true that on most of these farms to plant a grain of wheat you have to take a rock out of the way to get a grain into the ground?

Mr. CLARK. You are not acquainted with the potatoes of Aroostook County, Me.

Mr. WILSON. Where did they get people to build up New Sweden?

Mr. CLARK. Brought them from Sweden by a concerted effort to the finest farm section of Maine.

Mr. BACON. To Aroostook County.

Mr. CLARK. Yes: I wish you could get Mr. Gulnac to explain it to you.

The CHAIRMAN. He will be here to-morrow morning.

Mr. CLARK. The farmers in Michigan and all along the northern border would like to have people come in to do their work.

Mr. RAKER. What are you going to do with the American boy and girl here now?

Mr. CLARK. Educate him so he will not do anything.

Mr. RAKER. Exactly

Mr. CLARK. That is what we are doing.

Mr. RAKER. You are not in favor of that?

Mr. CLARK. I am in favor of the education, of course.

Mr. RAKER. You are not in favor of educating them so that they will not do anything.

Mr. CLARK. No; I am not in favor of that.

Mr. RAKER. How long will we exist as a Government if the American boy and girl stop doing work and we bring in aliens to take their places, from a country where the mode of living, thought, and action is different and has been for 2,000 years?

Mr. CLARK. But these men who have investigated the thing there in Scandinavian countries believe they can bring in the type of people who will remain on the farms, who have followed farming for generations and be satisfied to remain on the farms. That is what they tell me.

Mr. FREE. The immigrant when he first comes here is apt to follow whatever he followed in the old country but the next generation becomes Americanized and do what our young people now are doing.

Mr. CLARK. I do not know how you are going to control that.

The CHAIRMAN. If you grant that it is necessary for Maine to have alien farmers, you will then have to grant that alien labor is necessary for the Mahoning Valley in Ohio, and likewise for other sections?

Mr. CLARK. If it can be shown they are needed, not supplanting anybody else who is already there. I say if we are going to admit immigrants, why not admit the kind we need?

Mr. RAKER. A gentleman appeared before this committee the other day from Michigan and told us they were bringing in trainloads

from along the border of Mexico, and he said he wants that kind of people to come here, Mexicans with their wives and families.

Mr. CLARK. They brought lots of them up here and we have taken lots of them back.

Mr. RAKER. Those farmers say they want them.

Mr. CLARK. I do not believe in that kind of immigration. I say farmers who can pass our inspection laws.

Mr. VINCENT. I will enter protest against what Judge Raker said as not being in accordance with the testimony, although that testimony was not in accordance with my views in the matter, but his whole argument here the other day was directed to the purpose of being able to bring in for his particular line of endeavor the old stock that used to do that work in order that there would be no further necessity of bringing in Mexicans.

The CHAIRMAN. Exactly.

Mr. VINCENT. That is exactly it.

Mr. CLARK. I would not bring the Mexicans in. I had supervision of all of them. We took back 150 in one day and put them in Mexico across the border. They were useless. But I am talking about farmers who can pass our immigration requirements, who will measure up to the requirements in every way.

Mr. RAKER. Where are you going to get them?

Mr. CLARK. That is done in Europe. They select them there.

Mr. RAKER. Where?

Mr. CLARK. In the Scandinavian countries.

Mr. FREE. Why can not they do that and come in under our quota?

Mr. CLARK. It is not the quota, but you will be charged with violating the contract labor feature of the law.

The CHAIRMAN. Let us pursue that a little. You have seen the effort made to restrict immigration now and are probably aware that there is much public sentiment in favor of continued restriction.

Mr. CLARK. No question of it.

The CHAIRMAN. Now, you say bring farmers to fill up these abandoned farms in Maine.

Mr. CLARK. I say the quota ought to provide for people we need and not those we do not need.

The CHAIRMAN. That theory is very fine, but we are in a position where we do not want to discriminate against countries. If we let an agent go out to solicit people of a type that Maine wants, we can not stop others from bringing what New Jersey wants, or what Georgia wants.

Mr. CLARK. Exactly, if they can show they need them, as in Maine.

The CHAIRMAN. And so on throughout all the States.

Mr. CLARK. Yes.

The CHAIRMAN. That would be bringing immigrants under a selective contract plan.

Mr. CLARK. Not contract, but select the immigration of the kind we need in our country.

The CHAIRMAN. We can not guarantee to give any man any land in Maine or a permanent living.

Mr. CLARK. All the State has to offer will be stated to him before he starts from the other end.

The CHAIRMAN. We can not put him under the slightest obligation to remain in Maine.

Mr. CLARK. No.

Mr. RAKER. You misunderstood my language about the gentleman who testified the other day, or, at least, I did not properly convey my views.

Mr. VINCENT. I got the impression from what Judge Raker said that he was giving the purport of the gentleman's remarks as being that they desired Mexican immigration into Michigan.

Mr. CLARK. No.

Mr. VINCENT. He does not desire it. Nobody desires it, and he stated the only reason it had been at all indulged in was because they could not get the others any more.

Mr. CLARK. That is it precisely.

Mr. RAKER. That covers it.

Mr. VINCENT. He went on and set forth the objections to it from the standpoints of unassimilability and inefficiency of labor.

Mr. RAKER. That corresponds with what I tried to make clear. The point I want to ask Mr. Clark is if it is not a fact, for instance, that in Denmark we would get very few farmers even with your selective proposition, because the population is decreasing on the farms and increasing in the cities in Denmark, and in Denmark itself they have just about enough to run their farms.

Mr. CLARK. You are better advised than I am.

Mr. RAKER. From the information I obtained in Denmark this last year, where I spent a couple of days out on the farms with the commissioner of agriculture, that is how I understood his explanation.

Mr. CLARK. I am basing my statement on what men have said to me in my office from time to time about what could be done, and when Mr. Guldnaek comes before you to-morrow morning he will confirm all I have said as far as the State of Maine is concerned. He is only one of a number but he has been into the matter thoroughly.

Mr. CABLE. In Canada they tried to work out that system.

Mr. CLARK. Yes.

Mr. CABLE. How long do they stay on the land when they get there?

Mr. CLARK. I would not want to compare our country with other countries. You know as well as I do that the conditions are totally different. You plant a man in the Canadian Northwest and ask him to stay there six months with snow banks, with no company, no associations, and that is quite a proposition.

Mr. CABLE. As a general rule, they do not stay very long.

Mr. CLARK. Not a great while.

Mr. CABLE. It might be a job to make them stay on the farms here if you brought farmers from Denmark to this country.

Mr. RAKER. Mr. Stoddard's statement this morning was that the farming population in practically all these countries is pretty well satisfied. They own their farms and are practically the only ones that have not been ruined.

Mr. CLARK. Yes.

Mr. RAKER. Because the conditions have not affected them. They paid their debts. Men paid their debts in Germany with a cow, who had \$40,000 to \$60,000 mortgages, and paid them off with the reduced price of currency. It is the men in the cities or in the trades and professions who are the ones that want to come here.

Mr. CLARK. That is true.

Mr. RAKER. So when you talk about selective immigration, of bringing the farmers here, we find the farmers in most of these countries quite well satisfied, and it is the millions of other people that want to come.

Mr. CLARK. I quite understand that, because I talk with people from those localities every day. Here is one phase. When I went to Canada first 24 years ago, you all know how sparsely populated the Canadian Northwest was. If that little country of eight or nine million inhabitants now, and it was more than six and a half million inhabitants then, could go over and make those same selections and carry them to Winnipeg at \$12 a head and plant them on the prairie wilderness, with isolation and hardships, and populate that country that has produced what they are producing from their soil, why can not we do it?

The CHAIRMAN. That is a very important question.

Mr. CLARK. They went and got these people, selected them.

The CHAIRMAN. That is exactly what we hear here represented in behalf of selection. You give Canada 8,000,000 population, and you know that Canada has a bureau of immigration and colonization and lands to give away.

Mr. CLARK. They have not land to give away now.

The CHAIRMAN. They have public lands.

Mr. CLARK. It is away back when they had lands to give away.

The CHAIRMAN. Their immigration for the year ending March 31, 1922, is only 89,999, of whom 39,000 came from England, Ireland, Scotland, and Wales. That leaves in their search throughout the world for immigrants 50,000 others to come.

Mr. CLARK. I am talking about the people they brought who originally settled the Northwest. They brought very few from the United Kingdom then. They brought Europeans.

The CHAIRMAN. The fact remains, speaking broadly, that Canada has a limited population in a tremendous area.

Mr. CLARK. Yes.

Mr. RAKER. In the same area, in the last 15 years, can you tell us how many of these people went from the United States?

Mr. CLARK. Yes; we could show it.

Mr. BAKER. Will you get it and insert it in your remarks when you go over the record?

Mr. CLARK. I gave you 10 years of it, but I could get the figures back 15 to 20 years.

Mr. RAKER. I wish you would for the last 20 years.

Mr. CLARK. Yes.

Mr. FREE. You will file these tables.

Mr. CLARK. Yes; I will leave them with you.

The CHAIRMAN. It is well to insert at the conclusion of Mr. Clark's remarks the last Canadian immigration laws and regulations, as shown in the pamphlet. Without objection the stenographer will do that.

Mr. McREYNOLDS. Are you advocating immigration and also restriction and selection?

Mr. CLARK. Yes.

Mr. McREYNOLDS. You are not objecting to quotas?

Mr. CLARK. No. I am hearty quota man.

Mr. BACON. Specifically, would you amend or repeal the contract labor law?

Mr. CLARK. No; I would not go that far, but I think we should give our Secretary power, or make the law so flexible that he can deal with these industrial and agricultural conditions as they come up.

The CHAIRMAN. Within a certain number?

Mr. BOX. Within the quotas.

Mr. CLARK. If they show him that such and such is the case, and what they need, then let that class of people swallow up your quota instead of bringing in people we do not need. That is my theory.

The CHAIRMAN. If your quota is filled up with 85 per cent of relatives coming to the United States, what are you going to do?

Mr. CLARK. I do not know about the relative question. That is pyramiding, as Curran called it here to-day, and unless you take that up and deal with it by next July 1, I do not know where it will end.

The CHAIRMAN. Assuming that we put a check on it that would apply to relatives coming in after July, would you advocate opening it up or making a flexible provision in the law to let a country bring in men without their wives and children?

Mr. CLARK. No.

The CHAIRMAN. When you speak about flexibility, you mean to bring in laborers and farmers?

Mr. CLARK. Just as they settled that colony in Maine, to which I have referred.

The CHAIRMAN. But Canada, after starting to colonize, within two years after the war had to put out orders in council to stop immigration?

Mr. CLARK. Perhaps you know what the times were and those hard times are not over yet.

The CHAIRMAN. They hope to help the times by putting people on the lands.

Mr. CLARK. That is their idea.

The CHAIRMAN. But they practically had to suspend immigration and admit no immigrants, even from the United States, when times were hard.

Mr. CLARK. Yes. Up until last April they admitted only farmers and domestic servants. That is all they admitted.

The CHAIRMAN. They have no large manufacturing cities, such as Pittsburg, Youngstown, Detroit, New York, or Newark.

Mr. CLARK. They have some very extensive industries in that line but for the last two years they were practically closed down.

The CHAIRMAN. They have no big factories, generally speaking.

Mr. CLARK. No. They have steel mills and mining but the steel mills have been practically shut down for two years. They are in a bad way and their leading men argue that they must have population or have trouble. They talk that in their press and speeches in public.

The CHAIRMAN. It is just where the United States was at the close of the War between the States. It had an empire here to fill with people.

Mr. CLARK. Yes; and they have their war debt to pay, and they claim that every new farmer that is brought in will help to share that burden. That is their theory that they work on.

Mr. Box. In studying this question in its relationship to farm life in America, and particularly in connection with the abandonment of farms, you mentioned Maine as a State whose number of farms has diminished. Have you noted how many States have had the number of their farms diminished?

Mr. CLARK. No; but I just recently read about the State of Michigan. Michigan was mentioned.

Mr. Box. Suppose you found that the number of such States was very large throughout the United States, and suppose you found that it extended almost uniformly through at least 20 years back.

Mr. CLARK. Yes.

Mr. Box. Would you not then think that our restriction of immigration is a factor in that condition? I know you are not arguing against restriction, but you would not think that our restriction of immigration was causing diminution of our farm life?

Mr. CLARK. No.

Mr. Box. I will call your attention to page 141 of the abstract of the census of 1920, and you will note the States marked there. It shows the States whose number of farms has diminished for the last 20 years and the diminution for each period. The first figures are of farms for 1900, the second those for 1910, and the third for 1920 farms. I will read them: Connecticut, 26,948, for 1900; for 1910, 26,815, and for 1920, 22,655.

Mr. FREE. Is the second figure you give in addition to the first?

Mr. Box. No; it is the total number of farms. It shows the number it has diminished by comparison.

Mr. WHITE. Are those acres?

Mr. Box. No; numbers of farms. Illinois, 264,151, 251,872, and 237,181. Indiana, 221,897, 215,485, and 205,126.

Mr. FREE. Then they are getting less in number.

Mr. Box. That is what I am reading these figures for, in connection with the chairman's remark, by way of explanation that the people are leaving the farms anyway, regardless of the effect of immigration.

Mr. FREE. According to these figures you have less deserted farms?

Mr. Box. No; more deserted farms.

Mr. FREE. You gave 221,000 and then for 10 years later 215,000.

Mr. Box. That is a smaller number of farms.

Mr. FREE. Those are farms being operated, not deserted?

Mr. Box. Yes. Maine, 59,299, 60,016, and 48,227; Massachusetts, 37,715, 36,917, and 32,001; Michigan, 203,261, 206,960, and 196,447; Missouri, 284,886, 277,244, and 263,004; New Hampshire, 29,324, 27,053, and 20,523; New Jersey, 34,650, 33,487, and 27,702; New York, 226,720, 215,597, and 193,195; Ohio, 276,719, 272,045, and 256,695; Pennsylvania, 224,248, 219,295, and 202,250; Rhode Island, 5,498, 5,292, and 4,083; Vermont, 33,104, 32,707, and 29,075; West Virginia, 92,874, 96,685, and 87,289. There may be others that fluctuate.



Mr. WILSON. Let us come down to Texas.

Mr. BOX. I do not want to be bragging now.

The CHAIRMAN. Put the entire table in.

Mr. BOX. I want to give my interpretation of these figures.

The CHAIRMAN. Put the table in the record.

Mr. VINCENT. In order to give a real picture of the farm lands operated, it really should be in acreage operated rather than number of farms. I can see now two elements that might to a certain extent vitiate the extreme reduction there. One would be this, that in the neighborhood of rapidly growing cities farms cease to be operated in order to be cut up into city lots. A number of that kind of instances have occurred in the vicinity of Detroit and Flint, Mich. Then, too, there is the element of the farmer being prosperous for a certain length of the time you are talking about here and purchasing adjoining farms, cutting down the number of farms but not the acreage operated.

Mr. FREE. Then there is the other element that is particularly true in Texas, and I know it is in California, where there were farms of immense acreage cut up into smaller farms.

Mr. BACON. That has been the main trouble with the country.

Mr. VINCENT. That would be the tendency in your State, but not in a great many.

Mr. FREE. The figures do not tell the story quite as bad as it should be.

Mr. BOX. Farms have been diminishing in size as well as in number. I do not mean it is universal. I just analyze it in connection with the conditions in Maine and want it interpreted as an indication relating to withdrawal or lack of immigration.

Mr. VINCENT. I have not any doubt that in any part of the country I am acquainted with that the number of farms and the actual acreage in farms is reducing and has been.

Mr. BOX. Do you not think it is an unwholesome condition?

Mr. VINCENT. I do think so.

Mr. SABATH. Will you not put in the record the total in the United States?

Mr. WILSON. Will you not put in something else in connection with that, while this has occurred farm production has increased and there is a surplus of agricultural products.

Mr. BOX. That is one question I would ask Mr. Clark. Do you think it would improve farm conditions in the United States to provide agricultural laborers when our farmers are almost on the verge of ruin now?

Mr. CLARK. To get rid of what they have now, but that will adjust itself in the good times to come.

Mr. BOX. But suppose a fellow starves to death in the meantime.

Mr. WHITE. Will it not get worse before it gets better?

Mr. CLARK. If they do not take men that they are importing from the Middle West, that they do not need there, while they lack farm labor in Maine, that is an anomalous situation, too.

Mr. WHITE. We know that transportation from the Middle West is about 170 per cent what it was before the war, and, as a matter of fact, that has stimulated agriculture in the Eastern States.

It is my observation and opinion that not many farms are being abandoned at this time. Transportation is just as far from Chicago

or Youngstown, Detroit, and New York City as it was before the war, while in contiguous parts of the East it is rather closer on account of the introduction of hard surface roads and the truck. That is having quite an influence on our prices of agricultural products, but I do not pretend to understand that subject. I have studied a great deal on this fluctuation of prices from year to year. Take the cotton market and compare the prices with the relative prices of the products of the Middle West, or with the prices of wheat or pork. There are 34,000,000 head of livestock delivered in the last calendar year at the five western markets of the United States, a number something like 7,000,000 in excess of the average deliveries.

Those things influence prices, but I can not see how we need any more agricultural labor, that is, as far as products are concerned, than we have, because we are producing more than we can consume and more than we can export. Carrying out the suggestion of Judge Wilson, with almost as much land in cultivation in 1870 to 1880 as now, our aggregate production of wheat was in approximate figures more than 250,000,000 bushels per annum less than it is now. I think we are confronted with a situation, not a theory. I can not understand it. It seems to me or it does not appeal to me that we need any greater development of our agriculture except along intensive lines and by the natural processes which are constantly in exercise.

Mr. CLARK. The same condition that they complain of along our border as offering agricultural interests applies to industrial enterprises. I could name any number of industrial enterprises which claim that they could not get help that they needed in the United States.

Mr. WHITE. Is that a general situation?

Mr. CLARK. Quite general. Your copper industry in Michigan in the upper peninsula claim they are 9,000 help short now. They have had to come to Washington three or four times to ask permission to bring in the labor such as they need under contract labor provisions.

Mr. BOX. They have brought them in?

Mr. CLARK. They have brought in a few. The quota kept them out. It applies to every industry. For instance, there is the Aluminum Co. of America, at Massena, N. Y., employing thousands of help. They have to ask to bring in help all the time and they can not get it. My argument is why not bring in the people that we need to fill the quotas instead of people we do not need. That is what I am arguing, whether for farms or industrial enterprises, whatever it may be.

Mr. BOX. You remember one of the gentlemen, I think Mr. Vincent or Mr. Bacon, asked you if he inferred from your remarks that you favored repeal of the contract immigration law?

Mr. CLARK. No; I do not.

Mr. BOX. I know you did not. It is involved in your proposition.

Mr. CLARK. I say to make the law sufficiently flexible to permit the Secretary of our department to hear these complaints of the needs of these various industries and if he thinks it is right to let them go and get the people.

Mr. Box. Is there anything in the world to keep them from doing what the older immigrants and our fellow countrymen are doing, to leave the farms and go to the cities?

Mr. CLARK. I do not know that there is anything to prevent it.

Mr. Box. You will not keep them from doing that.

Mr. CLARK. They kept them from doing it in the old days.

Mr. Box. How would you hold them?

Mr. CLARK. Hold people there the same as those that came originally. We would have the right to expect people to stay there a reasonable time.

Mr. BACON. Would not that suggestion affect the contract labor law?

Mr. Box. I think it does, if carried out. I would like to call attention to an effort of this department to bring in Mexican laborers, that bringing them in for farm labor, and I have a pamphlet that I inflicted on the committee some time ago, showing what became of them. You must make a bond to bring these people in, and if one of them leaves the particular kind of employment, or the particular master farmer, I will say, that he was imported to work for, then he must be arrested and deported. Now, if he did that, if he had to stay there, he had to take the wage that that man paid him, take the accommodations the man provided for him, take the treatment the man gave him. If he did not stay there he had to be arrested and sent away, and the witness testified they put them on the train and went along to see that they did not get off until they got across the border. In my State many citizens were inclined to criticise my position on that point. There was a perfect flood of complaints because cities were full of paupers, thousands of them everywhere, and I went home and they were ready to give me banquets where they had been to hang me in effigy almost, because these people had drifted back there, and some of them had been held in virtual peonage. Others had become public charges, and in some places they were so anxious to make them pay their way that they tried them as vagrants and put them on the roads, and the Government of Mexico complained about it. We had ten thousand, probably hundreds of thousands of these very Mexicans you are talking about brought in to do farm labor in the cotton fields and the sugar fields as far north as Michigan. One of two things happened. They were held in peonage without freedom to come and go as they pleased, or they drifted as miserable wretched folks without provisions and even engaged in petty crime, often suffered for attention and became a charge on public charity. I could give you official records of it. It is very extensive.

Mr. CLARK. We do not have that up our way. The companies bring them back.

Mr. BACON. That is what I had in mind when I asked the question.

Mr. Box. I think your process of reasoning is correct.

Mr. CLARK. That is what we did up there. Mr. Chairman, I might add that in anticipation of the extra exodus over the border we would like to have put in effect the amendments I have offered here to help us enforce what you propose to enact in the way of a restrictive immigration law.

Mr. Box. This committee feels, I think, without contention, and has heretofore felt, that the immigration service has not been taken

care of by proper appropriations or supplied with additional men. Have you force enough?

Mr. CLARK. No, sir.

Mr. BOX. Can you adequately enforce these laws without additional force?

Mr. CLARK. No, sir.

Mr. BOX. I want to put that in the record because I am going to try with my colleagues to get you relief.

Mr. RAKER. Is it your view that we should apply the quota law to Canada?

Mr. CLARK. That is entirely a new proposition to me. I had not seen the Secretary's bill or this one until I came here.

Mr. RAKER. We were dealing with the whole subject and want all the information we can get.

Mr. CLARK. Offhand I would say it would be most unfortunate to enforce it in respect to our neighbors who come in such volume and numbers every day, and it would be a most difficult task. Our trade relations with Canada are very important.

Mr. RAKER. We are applying it solely to those who desire to come to the States as immigrants.

Mr. CLARK. To sift those out you would have to question everybody closely.

Mr. RAKER. Do you not do that now?

Mr. CLARK. The ordinary business man we treat with some common sense or try to.

Mr. RAKER. You treat him with some common sense.

Mr. CLARK. I think it would create a great protest. I do not know what has prompted the suggestion.

Mr. RAKER. What do you think of applying further tests to those that desire to come from Canada, emigrate to the United States, that they should be citizens and residents of Canada?

Mr. CLARK. I should think that might be very well.

Mr. RAKER. That would keep out those surreptitiously trying to get in through Canada. They would have to be citizens before they can come at all. Do you not think that would stop it?

Mr. CLARK. I think that would increase smuggling.

Mr. RAKER. It would stop those that try to come from Canada just to stay for a while.

Mr. McREYNOLDS. What about the quota?

Mr. CLARK. Of course, if there is a quota for them; they would have to remain there five years now to be exempted from the quota, and you propose to make it seven.

Mr. FREE. Did you find in your investigation that it was two years.

Mr. BOX. One year.

Mr. FREE. One year. That many came over to stay one year and then come in.

Mr. CLARK. Thousands of them did that.

Mr. FREE. Has that dropped off since we made it five?

Mr. CLARK. That curtails it.

Mr. FREE. Can that provision be evaded easily, making that five years' residence rule?

Mr. CLARK. It can not only be evaded. The five-year rule applies to counting them in the quota. After five years they are exempted from the quota entirely.

Mr. RAKER. There is no quota now to Canada.

The CHAIRMAN. The quota of a foreign country?

Mr. McREYNOLDS. Do you think there ought to be a quota as to Canada?

Mr. CLARK. I do not know; I would not like to say as to that.

Mr. VINCENT. You think the administrative provisions in the case of a quota for Canada would be very heavy, do you?

Mr. CLARK. I do.

Mr. VINCENT. Such as the situation of Detroit with Windsor across the river with a great flow of people.

Mr. CLARK. There are 300,000 passengers a month that cross there.

Mr. VINCENT. The ordinary business man, for business purposes, passes the immigration station without a question as a rule, does he not?

Mr. CLARK. Ordinarily, yes.

Mr. VINCENT. He may show an Elks' card or something to identify him.

Mr. CLARK. He identifies himself in some way.

Mr. BACON. Would it be possible to provide men accustomed to travelling back and forth with certificates?

Mr. CLARK. Yes; they now have identification cards, which are very much used in Detroit.

Mr. VINCENT. Under the present system, there is very little difficulty. I am asking for information because whenever I have been there I have not been misused or delayed at all, and there is very little trouble along that line. There is free passage of American citizens across there and Canadian citizens into Detroit.

Mr. CLARK. Very little trouble.

Mr. FREE. How do you detect the fellow who is slipping in?

Mr. CLARK. The inspector is supposed to be able to size up his man, a good, bright inspector.

Mr. FREE. Do you think it is possible to stop smuggling entirely?

Mr. CLARK. I would not say entirely, but you can lessen it if we are helped in the way of the amendments I am asking for.

Mr. BACON. How much additional help would you need for the border?

Mr. CLARK. I can not say offhand.

Mr. VINCENT. Do you think there is a great deal of smuggling on the border west of Lake Superior?

Mr. CLARK. Yes.

Mr. VINCENT. There is a long, unguarded border, is there not?

Mr. CLARK. Yes.

Mr. VINCENT. Is there any other except Portal?

Mr. CLARK. There are a number west of Portal.

Mr. VINCENT. How far from Portal do you go before there is another immigration station?

Mr. CLARK. Gateway, and Kingsgate, Eastport, Idaho, Marcus, Wash., also a smaller station at Sumas, Wash., and Blaine, Wash., is the next.

Mr. VINCENT. The same difficulties are encountered on that border?

Mr. CLARK. Yes, we have a bunch of people in Seattle to be deported on the 9th of this month who went to Vancouver and smuggled over from there.

Mr. VINCENT. How do you expect to stop it? It would take an army to stop it.

Mr. CLARK. Some of these things we have asked for, we believe from long years of experience, may stop it. We can not stop it entirely.

The CHAIRMAN. Let us say a man comes from Austria to Canada and is smuggled into the United States. Is he listed in the immigration arrivals of Canada as an Austrian coming to Canada?

Mr. CLARK. Yes; if he is lawfully landed in Canada he is listed.

The CHAIRMAN. A man of that kind may smuggle himself in.

Mr. CLARK. Yes.

The CHAIRMAN. Canada has not had any large immigration for several years.

Mr. CLARK. They have been bringing in quite a number in the last year or two.

The CHAIRMAN. Leaving out the British provisions to keep out immigration from the United States to Canada, they have not had as much as 50,000 in several years.

Mr. CLARK. No.

The CHAIRMAN. So of the people who are to be smuggled across the border, the proportion out of 50,000 people is less that might try to smuggle.

Mr. CLARK. Yes, but the British offenders have been worst for the last two years.

Mr. BACON. I understood Mr. Clark to say that Canada is making a special effort to encourage immigration from all over Europe.

Mr. CLARK. Now?

Mr. BACON. From now on he anticipates a great many more smugglers.

Mr. RAKER. What do you think about a man coming to Canada and trying to get in here under the quota?

Mr. CLARK. As you now have the law they have to remain in Canada five years before being exempted from being counted in the quota.

Mr. RAKER. If a man comes to the border of the United States and finds the quota exhausted—

Mr. CLARK (interposing). He is out.

Mr. RAKER. If he enters Canada, irrespective of how he gets in, he can not come into the United States for five years?

Mr. CLARK. There is nothing to prohibit him except exhaustion of the quota. Then he can not come in.

Mr. FREE. Where does he get his passport if he comes into Canada and remains a year. If an Austrian comes to Canada and remains a year and wants to come to the United States, where does he get his passport?

Mr. CLARK. From the local consul.

Mr. FREE. In Canada?

Mr. CLARK. Yes; they will issue passports. After he has lived there one year our American consular service will visé his passport,

and that is where your quota and consular arrangements do not agree.

Mr. FREE. The consular people are not authorized to pay attention to our five-year limitation?

Mr. CLARK. No; after the man has had one year's residence in Canada they will visé his passport. You all know Mr. Halstead, our consular general, who is heartily in favor of making the period five years before viséing a passport, except in special cases, such as a business man in an emergency.

Mr. RAKER. A passport is only issued to one who has been a resident of Canada for a year; otherwise he could not get in legally.

Mr. CLARK. Not if the quota was exhausted, that would not help him any. But if the quota is not exhausted he gets the passport viséd if there for a year and he is right there. That is what has caused all your trouble at Ellis Island.

The CHAIRMAN. It is on account of the difference of the one-year requirement for visé of passports in Canada.

Mr. CLARK. And your quota requires him to be there five years before being exempted from the count.

The CHAIRMAN. After he is there one year he can get his passport viséd?

Mr. CLARK. Yes.

The CHAIRMAN. Then he proceeds to go across and calls himself in the quota if it is open.

Mr. CLARK. Yes.

The CHAIRMAN. If he is counted it upsets the calculation at Ellis Island.

Mr. CLARK. And abroad.

The CHAIRMAN. That accounts for the confusion in the last three or four months as to quota openings.

Mr. RAKER. It can not work that way at all under the present bill if there are only so many certificates issued.

Mr. CLARK. If we tied it down to certificates, then you would be all right.

The CHAIRMAN. How do they get at that one year requirement?

Mr. CLARK. How did you intend to have that operate as regards aliens in Canada procuring certificates?

Mr. Box. As to Mexicans I have discussed that point, because I presume we will discuss it here.

The CHAIRMAN. Assume that a native of Canada was placed under the quota law, that the quota would be large, the residents in the United States being quite large, can those people in Canada proposing to emigrate to the United States come within the quota? We would still have provision for passing to and fro between the United States and contiguous territory to allow the enormous commercial traffic which goes back and forth. Also something similar in regard to Mexico.

Mr. RAKER. What Judge Box speaks of is the case of an Austrian subject with Canada.

Mr. Box. Yes; a great many come over.

Mr. RAKER. If an Austrian subject is in England it is the same thing.

Mr. Box. It is liable to be in any country in the world. The quota is fixed according to the quota of birth.

Mr. RAKER. He would have to get a certificate from one of these places before he can be admitted.

Mr. Box. We have had difficulties enough, and I am in sympathy with the idea of trying to keep up this quota. I want to work that by trying to find a solution of it if we can. Take a man from Russia, Spain, or Italy, or he comes from any land on earth, and just how you are going to make a count at any one place or six places of all the people of all the earth offering everywhere is something I want to discuss with my colleagues of the committee. I am anxious to work that out.

The CHAIRMAN. An Austrian subject in Canada would have to get a quota certificate from his government's representative.

Mr. CLARK. You would have to set aside a few thousand during the year from countries other than theirs.

Mr. Box. Just as the Pullman Co. saves berths and does not.

Mr. CLARK. Yes.

Mr. RAKER. You would avoid that entirely if you required them to be citizens of that country.

Mr. CLARK. You would.

Mr. RAKER. Go ahead, Mr. Commissioner.

Mr. CLARK. I have put my recommendations in the form of a memorandum that I will leave with your clerk.

The CHAIRMAN. That will be very good. The recommendations of Commissioner Clark will be inserted in the record. We are very much obliged to you, sir.

Mr. CLARK. I thank you.

(The memorandum referred to is as follows:)

#### NEEDED AMENDMENTS TO PRESENT LAW.

*International bridges owned by corporations.*—Amend section 10 so that corporations owning international bridges, particularly railroad bridges, must provide guards for same to prevent unlawful entry of aliens.

*Unlawfully bringing aliens into United States.*—Section 8. Amend law so as to provide for a minimum sentence of at least 60 days. Some judges now make it one day and a fine. It ought to be a fine and not less than 60 days. The prison sentence is what counts.

Provide for seizure of all vehicles, motors, boats, etc., in which aliens are knowingly brought into the United States unlawfully. Similar to passport control act, section 3.

Provide for penalty for aliens entering or being smuggled in, besides deportation and section 8.

*Harboring aliens.*—Add words "or harbored" to conclusion of section 8. No penalty now for harboring an alien, only under general conspiracy. Recent legal decision to this effect. (Federal Reporter, Apr. 12, 1923.)

*Passports.*—Amend section 20 so that it shall be the duty of the steamship companies involved to obtain passports for all deported aliens at their own expense and all detention expenses accruing while said steamship companies are arranging for passports to be at the expense of the steamship companies.

*Seamen.*—Present law very unsatisfactory. Over 1,000,000 seamen land every year in United States. Many desertions now. The steamship companies should be held responsible by fine for each desertion. It is up to them to take requisite means. Seamen should reshipe foreign within 10 days or lose status, etc. Foreign seamen now reshipe domestic in large numbers. Law needs tightening up in every direction.

*Immigration law should be flexible.*—Vest authority in Secretary of Labor in conjunction with President to impart flexibility to immigration, in case of shortage or oversupply of labor.

*Birth certificates.*—Birth certificates should be required from all immigrants. This would avoid long delays in obtaining passports later in case of deportation.



Tables showing immigration from and through Canada to the United States from July, 1913, to July, 1923.

(Admissions at border ports in district west of eastern line of Montana not included after June, 1917.)

Fiscal year.	Via Canadian Atlantic seaports.	Via border ports.			Seaport, debarred, Canadian Atlantic.
		Canadians.	Other aliens.	Total border ports.	
1913-14.....	45,965	42,810	52,705	195,615	
1914-15.....	8,374	49,597	39,840	89,437	
1915-16.....	765	76,003	29,422	105,425	
1916-17.....	392	84,877	24,744	109,621	
1917-18.....	273	17,181	18,090	35,241	
1918-19.....	3,110	44,110	18,147	62,257	
1919-20.....	1,267	72,996	24,000	96,996	
1920-21.....	22,304	56,019	22,059	78,078	
1921-22.....	7,416	37,009	9,110	46,119	
1922-23.....	13,142	88,460	16,380	104,980	
Total.....	103,028	569,062	254,467	923,529	
Debarred, above period.....		Debarred.	Debarred.	Debarred.	
		3,083	6,509	9,592	866
		6,134	11,897	17,501	71
		6,259	3,970	10,229	24
		6,037	2,249	8,286	
		1,939	1,354	3,293	
		3,194	920	4,114	6
		3,592	1,065	4,657	26
		2,479	2,765	5,244	195
		2,876	2,233	5,109	59
Total.....		40,815	36,065	76,880	1,319

<sup>1</sup> Includes 151 pending cases, actual total, 95,364.

<sup>2</sup> Includes 233 pending cases, actual total, 89,199.

<sup>3</sup> Includes 159 pending cases, actual total, 105,266.

<sup>4</sup> 22,633-566 pending at close of year.

<sup>5</sup> 64,201 pending at close of year.

<sup>6</sup> 61 per cent.

<sup>7</sup> 12 per cent.

<sup>8</sup> 81 per cent.

<sup>9</sup> 14 per cent.

Total number of nonstatistical debarred (above period), 13,111.

#### UNITED STATES CITIZENS RETURNING.

Years.	Via Canadian Atlantic seaports.	Via Border, after residing in Canada.	Years.	Via Canadian Atlantic seaports.	Via Border, after residing in Canada.
1913-14.....	5,564	44,013	1919-20.....	1,767	11,562
1914-15.....	9,791	46,387	1920-21.....	3,794	11,290
1915-16.....	203	32,440	1921-22.....	5,203	9,598
1916-17.....	306	43,661	1922-23.....	9,772	10,760
1917-18.....	85	19,839			
1918-19.....	1,451	16,990	Total.....	37,639	246,490

#### Immigration from the United States to Canada.

Years.	United States citizens.	Canadians.	Other aliens.	Total.	Years.	United States citizens.	Canadians.	Other aliens.	Total.
1913-14..	61,028	18,418	11,372	90,313	1919-20..	36,511	7,953	4,160	48,624
1914-15..	23,059	14,651	4,816	42,526	1920-21..	29,420	10,096	4,037	43,553
1915-16..	25,311	10,065	4,952	40,328	1921-22..	16,505	6,858	2,596	25,959
1916-17..	55,403	12,596	10,379	78,378	1922-23..	13,916	4,395	2,244	19,555
1917-18..	36,909	10,166	7,336	54,411					
1918-19..	30,223	9,766	4,015	44,003	Total..	327,085	105,112	55,909	488,106

Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$2,000 and by imprisonment for a term not exceeding five years, for each and every alien so landed or brought in or attempted to be landed or brought in, or concealed or harbored, or attempted to be concealed or harbored, and any air or land vehicle, or any vessel, together with its or her appurtenances, equipment, tackle, apparel and furniture concerned in such violation shall be forfeited to the United States Department of Labor, and on an order duly issued by the court having jurisdiction thereof the Secretary of said department is hereby authorized to dispose of said air or land vehicle or vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture by selling the same at public auction, the proceeds to be credited to the appropriation "expenses of regulating immigration."

(The immigration act and regulations of Canada are as follows:)

[Canadian Department of Immigration and Colonization.]

### THE IMMIGRATION ACT AND REGULATIONS.

[Issued by the Minister of Immigration and Colonization, Ottawa, Canada, August, 1923.]

PREFATORY NOTE.—This pamphlet is issued in order that magistrates, clerks of municipalities and the public generally may be informed of the Provisions of the Immigration Act. The Orders in Council and Rules are printed in the back of this pamphlet.

An Act to amend the Immigration Act, 9-10 Geo. V, Chap. 26 [Assented to 6th June, 1919]; and An Act to amend the Immigration Act, 10 Geo. V, Chap. 19 [Assented to 10th November, 1919]; and An Act respecting Immigration 9-10 Edward VII, Chap. 27 [Assented to 4th May, 1910]; and An Act to amend the Act respecting Immigration, 1-2 Geo. V, Chap. 12 [Assented to 4th April, 1911]; and An Act to amend the Act respecting Immigration, 5 Geo. V, Chap. 2, [Assented to 22nd August, 1914]; and An Act to amend the Act respecting Immigration, 9-10 Geo. V, Chap. 25; An Act to amend the Immigration Act, 11-12 Geo. V, Chap. 32 [Assented to 4th June, 1921]; and An Act to amend the Immigration Act, 13-14, Geo. V, Chap. 51 [Assented to 30th June, 1923]. (Consolidated.)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

#### SHORT TITLE.

1. This Act may be cited as *The Immigration Act*.

#### INTERPRETATION.

2. In this Act, and in all orders in council, proclamations and regulations made thereunder, unless the context otherwise requires—

(a) "Minister" means the Minister of Immigration and Colonization and "Deputy Minister" means the Deputy Minister of Immigration and Colonization;

(b) "officer" means any person appointed under this Act, for any of the purposes of this Act, and any officer of customs; and includes the Deputy Minister, immigration commissioners and inspectors and every person recognized by the Minister as an immigration agent or officer with reference to anything done or to be done under this Act, whether within or outside of Canada, and whether with or without formal appointment;

(c) "immigration officer in charge" or "officer in charge" means the immigration officer, or medical officer, or other person in immediate charge or control at a port of entry for the purposes of this Act;

(d) "domicile" means the place in which a person has his home, or in which he resides, or to which he returns as his place of permanent abode, and does not mean the place where he resides for a mere special or temporary purpose;

(i) Canadian domicile can only be acquired, for the purposes of this Act, by a person having his domicile for at least five years in Canada after having been landed therein within the meaning of this Act; Provided that the time spent by a person while confined in or an inmate of any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the period of residence in Canada which is necessary in order to acquire Canadian domicile, and provided further that no person who belongs to the prohibited or undesirable classes within the meaning of section forty-one of this Act shall be capable of acquiring Canadian domicile;

(ii) Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada not for a mere special or temporary purpose but with the present intention of making his permanent home out of Canada, or by any person belonging to the prohibited or undesirable classes within the meaning of section 41 of this Act;

(iii) Notwithstanding anything contained in the preceding subparagraph (ii), when any citizen of Canada who is a British subject by naturalization, or any British subject not born in Canada having Canadian domicile, shall have resided for one year outside of Canada, he shall be presumed to have lost Canadian domicile and shall cease to be a Canadian citizen for the purposes of this Act, and his usual place of residence shall be deemed to be his place of domicile during said year;

Provided, however, that such presumption may be rebutted by production of the certificate of any British diplomatic or consular officer, in such form as may be prescribed by the Minister, that such person appeared before him before the expiration of said period of one year and satisfied such officer of his reasonable intention to retain his Canadian domicile. In the case of a person who is a naturalized British subject, such certificate shall be endorsed upon the certificate of naturalization of such person. The effect of such certificate shall be to extend said period for a further term of one year, and it may be further extended from year to year in the same manner so long as the officer giving the certificate is satisfied of the bona fides of the application for extension. In each case, provided that the total period for which extension may be granted shall not exceed five years.

(e) "alien" means a person who is not a British subject;

(f) "Canadian citizen" means—

(i) a person born in Canada who has not become an alien;

(ii) a British subject who has Canadian domicile; or

(iii) a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile;

Provided that for the purpose of this Act a woman who has not been landed in Canada shall not be held to have acquired Canadian citizenship by virtue of her husband being a Canadian citizen; neither shall a child who has not been landed in Canada be held to have acquired Canadian citizenship through its father or mother being a Canadian citizen;

(g) "immigrant" means a person who enters Canada with the intention of acquiring Canadian domicile, and for the purposes of this Act every person entering Canada shall be presumed to be an immigrant unless belonging to one of the following classes of persons, hereinafter called "non-immigrant classes":—

(i) Canadian citizens; and persons who have Canadian domicile;

(ii) Diplomatic and consular officers, and all accredited representatives and officials of British or foreign governments, their suites, families and guests, coming to Canada to reside or to discharge any official duty or to pass through in transit;

(iii) Officers and men, with their wives and families, belonging to or connected with His Majesty's regular naval and military forces;

(iv) Tourists and travellers merely passing through Canada to another country;

(v) Students entering Canada for the purpose of attendance, and while in actual attendance, at any university or college authorized by statute or charter to confer degrees; or at any high school or collegiate institute recognized as such for the purpose of this Act by the Minister;

(vi) Members of dramatic, artistic, athletic or spectacular organizations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature and actors, artists, lecturers, priests and ministers of religion, authors, lawyers, physicians, professors of colleges, accredited representatives of international trade unions and commercial travellers entering Canada for the temporary exercise of their respective callings;

(vii) Holders of a permit to enter Canada, in force for the time being, in form A of schedule one to this Act; signed by the Minister or by some person duly authorized: Provided that whenever in the opinion of the Minister or Deputy Minister or Board of Inquiry or officer acting as such, any person has been improperly included in any of the non-immigrant classes, or has ceased to belong to any of such classes, such person shall thereupon be considered an immigrant within the meaning of this Act and subject to all the provisions of this Act respecting immigrants seeking to enter Canada;

(h) "family" includes father and mother, and children under eighteen years of age;

(i) "head of family" means the father, mother, son, daughter, brother or sister upon whom the other members of the family are mainly dependent for support;

(j) "passenger" means a person lawfully on board any ship, vessel, railway train, vehicle or other contrivance for travel, or transport, and also includes any person riding, walking or otherwise travelling across any international bridge or highway; but shall not be held to include the master or other person in control or command of such vessel, ship, railway train, vehicle, bridge, highway or other contrivance for travel or transport, or any member of the crew or staff thereof; or military or naval forces and their families who are carried at the expense of the Government of the United Kingdom, or the Government of any British Dominion or Colony: Provided that any member of the crew of a ship or of the staff of a railway train or other contrivance for travel or transport who deserts or is discharged in Canada from his ship or railway train or other contrivance for travel or transport shall thereupon be considered a passenger within the meaning of this Act;

(k) "stowaway" means a person who goes to sea secreted in a ship without the consent of the master or other person in charge of the ship, or of a person entitled to give such consent; or a person who travels on any railway train or other vehicle without the consent of the conductor or other person authorized to give such consent;

(l) "ship" or "vessel" includes every boat and craft of any kind whatsoever for travel or transport other than by land;

(m) "master" means any person in command of a ship or vessel;

(n) "owner" as applied to a ship or vessel includes the charterers of such ship or vessel and the agent of the owner or charterer thereof;

(o) "port of entry" means any port, railway station or place in Canada designated by the Minister for the inspection of immigrants, passengers or other persons;

(p) "land," "landed" or "landing," as applied to passengers or immigrants, means their lawful admission into Canada by an officer under this Act, otherwise than for inspection or treatment or other temporary purpose provided for by this Act;

(q) "rejected," as applied to an immigrant or other person seeking to enter or land in Canada, means that such immigrant or other person has been examined by a Board of Inquiry or officer acting as such and has been refused permission to land in Canada;

(r) "deportation" means the removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada, or to the country of his birth or citizenship;

(s) "immigrant station" means any place designated by the Minister for the examination, inspection, treatment or detention of immigrants, passengers, or other persons for any purpose under this Act;

(t) "transportation company" means and includes the Dominion Government, any Provincial Government, any municipality, any corporate body or organized firm or person carrying or providing for the transit of passengers, whether by ship, railway, bridge, highway, or otherwise, and any two or more

such transportation companies cooperating in the business of carrying passengers;

(u) "Immigration Act" or "Act" shall be held to include all orders in council, proclamations, and regulations made hereunder,

#### PROHIBITED CLASSES.

3. No immigrant, passenger or other person unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to enter or land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "prohibited classes":—

(a) Idiots, imbeciles, feeble-minded persons, epileptics, insane persons and persons who have been insane at any time previously; (b) Persons afflicted with tuberculosis in any form or with any loathsome disease, or with a disease which is contagious or infectious, or which may become dangerous to the public health, whether such persons intend to settle in Canada or only to pass through Canada in transit to some country; Provided that if such disease is one which is curable within a reasonably short time, such persons may, subject to the regulations in that behalf, if any, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave ship for medical treatment;

(c) Immigrants who are dumb, blind, or otherwise physically defective, unless in the opinion of a Board of Inquiry or officer acting as such they have sufficient money, or have such profession, occupation, trade, employment or other legitimate mode of earning a living that they are not liable to become a public charge or unless they belong to a family accompanying them or already in Canada and which gives security satisfactory to the Minister against such immigrants becoming a public charge;

(d) Persons who have been convicted of, or admit having committed, any crime involving moral turpitude;

(e) Prostitutes and women and girls coming to Canada for any immoral purpose and pimps or persons living on the avails of prostitution;

(f) Persons who procure or attempt to bring into Canada prostitutes or women or girls for the purpose of prostitution or other immoral purpose;

(g) Professional beggars or vagrants;

(h) Immigrants to whom money has been given or loaned by any charitable organization for the purpose of enabling them to qualify for landing in Canada under this Act, or whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the Deputy Minister, or in case of persons coming from Europe, the authority in writing of the assistant Superintendent of Immigration for Canada, in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter;

(i) Persons who do not fulfill, meet or comply with the conditions and requirements of any regulations which for the time being are in force and applicable to such persons under sections 37 or 38 of this Act;

(j) Persons who in the opinion of the Board of Inquiry or the officer in charge at any port of entry are likely to become a public charge;

(k) Persons of constitutional psychopathic inferiority;

(l) Persons with chronic alcoholism;

(m) Persons not included within any of the foregoing prohibited classes, who upon examination by a medical officer are certified as being mentally or physically defective to such a degree as to affect their ability to earn a living;

(n) Persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property;

(o) Persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of Canada or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property;

(Paragraph (p) of section 3, as enacted by Chapter 25, 9-10 Geo. V, was repealed by Chapter 51, 13-14 Geo. V.)

(q) Persons guilty of espionage with respect to His Majesty or any of His Majesty's allies;

(r) Persons who have been found guilty of high treason or treason for an offence in connection with the war, or of conspiring against His Majesty, or of assisting His Majesty's enemies during the war, or of any similar offence against any of His Majesty's allies;

(s) Persons who at any time within a period of ten years from the first day of August, one thousand nine hundred and fourteen, were or may be deported from any part of His Majesty's dominions or from any allied country on account of treason or of conspiring against His Majesty, or of any similar offence in connection with the war against any of the allies of His Majesty;

(t) On and after the first day of July, one thousand nine hundred and nineteen, in addition to the foregoing "prohibited classes," the following persons shall also be prohibited from entering or landing in Canada:—Persons over fifteen years of age, physically capable of reading, who cannot read the English or the French language or some other language or dialect: Provided that any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter. For the purpose of ascertaining whether aliens can read, the immigration officer shall use slips of uniform size prepared by direction of the Minister, each containing not less than thirty and not more than forty words in ordinary use printed in plainly legible type in the language or dialect the person may designate as the one in which he desires the examination to be made, and he shall be required to read the words printed on the slip in such language or dialect. The provisions of this paragraph shall not apply to Canadian citizens and persons who have Canadian domicile, to persons in transit through Canada, or to such persons or classes of persons as may from time to time be approved by the Minister.

4. The Minister may issue a written permit authorizing any person to enter Canada without being subject to the provisions of this Act. Such permit shall be in the form A of the schedule to this Act, and shall be expressed to be in force for a specified period only, but it may at any time be extended or cancelled by the Minister in writing. Such extension or cancellation shall be in the form AA of the schedule to this Act.

#### APPOINTMENT, POWERS AND DUTIES OF OFFICERS.

5. Commissioners of Immigration and such other officers, with such designations or titles as are deemed necessary, may be appointed for carrying out the provisions of this Act.

6. The Minister may establish and maintain immigration offices and agencies at such places within and outside of Canada as from time to time he deems proper.

7. Subject to any regulation in that behalf, all officers appointed or having authority under this Act may, in emergency, employ such temporary assistance as is required for carrying out any duty devolving upon them under this Act, but no such employment shall continue for a period of more than forty-eight hours without the sanction of the Minister.

8. When at a port of entry there is no immigration officer available for duty under this Act, the chief customs officer at that port or any subordinate customs officer designated by him shall be, ex-officio, an immigration officer.

9. Every officer appointed under this Act shall perform all duties prescribed for him by this Act, or by any order in council, proclamation or regulation made thereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other officer; and no action taken by any such officer under or for any purpose of this Act shall be deemed to be invalid or unauthorized merely because it was not taken by the officer specially appointed or detailed for the purpose.

10. Every officer appointed under this Act shall have the authority and power of a special constable to enforce any of the provisions of this Act relating to the arrest, detention or deportation of immigrants, aliens or other persons.

(2) Every immigration officer shall have authority to administer oaths and take evidence under oath or by affirmation in all matters arising under this Act.

11. All constables and other peace officers in Canada, whether appointed under Dominion, provincial, or municipal authority, shall, when so directed by the Minister or by any officer under this Act, receive and execute according to the tenor thereof any written order of the Minister, or of the Minister of Justice, or of a Board of Inquiry or officer acting as such, and any warrant of the Deputy Minister for the arrest, detention or deportation of any immigrant, alien or other person in accordance with the provisions of this Act.

12. For the preservation of the peace, and in order that arrests may be made for offences against the laws of Canada, or of any province or municipality thereof, wherein the various immigrant stations are located, the officers in charge of such immigrant stations, as occasion may require, shall admit therein any constables or other peace officers charged with the enforcement of such laws; and for the purposes of this section the authority of such officers and the jurisdiction of the local courts shall extend over such immigrant stations.

#### APPOINTMENT, POWERS AND PROCEDURE OF BOARDS OF INQUIRY.

13. The Minister may nominate at any port of entry any number of officers to act as Boards of Inquiry and any three officers so nominated shall constitute a Board of Inquiry.

14. A Board of Inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to enter or land in Canada or detained for any cause under this Act, shall be allowed to enter, land, or remain in Canada or shall be rejected and deported.

15. The hearing of all cases brought before a Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person concerned whenever practicable, and such immigrant, passenger or other person shall have the right to be represented by counsel whenever any evidence or testimony touching the case is received by the Board, and a summary record of proceedings and of evidence and testimony taken shall be kept by the Board.

(2) The Board, and any member thereof, may, at discretion administer oaths and take evidence under oath or by affirmation in any form which they deem binding upon the person being examined.

16. In all such cases, a Board of Inquiry may at the hearing, receive and base its decision upon any evidence, considered credible or trustworthy by such Board in the circumstances of each case; and in all cases where the question of the right to enter or land in Canada under this Act is raised the burden of proof shall rest upon the immigrant, passenger or other person claiming such right.

17. The Board of Inquiry shall appoint its own chairman and secretary to keep the record of its proceedings, and in all cases and questions before it the decision, which decision shall be in writing, of a majority of the Board shall prevail.

18. There shall be no appeal from the decision of such Board of Inquiry as to the rejection and deportation of immigrants, passengers or other persons seeking to land in Canada, when such decision is based upon a certificate of the examining medical officer to the effect that such immigrants, passengers or other persons are afflicted with any loathsome disease, or with a disease which may become dangerous to the public health, or that they come within any of the following prohibited classes, namely, idiots, imbeciles, feeble-minded persons, epileptics and insane persons: Provided always that Canadian citizens and persons who have Canadian domicile shall be permitted to land in Canada as a matter of right.

19. In all cases other than provided for in the next preceding section an appeal may be taken to the Minister against the decision of any such Board of Inquiry or officer in charge by the immigrant, passenger or other person concerned in the case, if the appellant forthwith serves written notice of such appeal (which notice may be in form C in the schedule to this Act), upon the officer in charge, or the officer in whose custody the appellant may be, and shall at the same time deposit with such officer the sum of twenty dollars for himself and ten dollars for each child or other person dependent upon such appellant and detained with him, such sum to be used for the purpose of defraying the cost of maintaining the appellant and those dependent upon him, pending the decision of the Minister on such appeal, and the cost of such appeal. In case of the appeal being allowed by the Minister or by the Board of Inquiry on a

re-hearing, then the said sum shall be returned to the appellant; and in case of the appeal being disallowed by the Minister or by the Board of Inquiry on a re-hearing, then the balance of such sum, if any, after deduction of regular detention charges for board and the cost of such appeal, shall be returned to the appellant; and the appellant shall forthwith be deported. The cost of appeal means the cost of such appeal to His Majesty and in case of dispute the decision of the Minister fixing the amount thereof shall be final and conclusive; such cost shall not include legal fees.

20. Notice of appeal and deposit of the said sum shall act as a stay of all proceedings until a final decision is rendered by the Minister, and within forty-eight hours after the filing of the said notice and deposit of the said sum a summary record of the case shall be forwarded by the immigration officer in charge to the Deputy Minister, accompanied by his views thereon in writing.

21. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station, unless released under bond as provided for in section 83 of this Act.

22. When there is no Board of Inquiry at a port of entry, then the officer in charge shall exercise the powers and discharge the duties of a Board of Inquiry and shall follow as nearly as may be the procedure of such Board as regards hearing and appeal and all other matters over which it has jurisdiction.

(2) The Minister may authorize any immigration officer to exercise the powers and discharge the duties of a Board of Inquiry and such officer so authorized may exercise such powers and discharge such duties at any place in Canada other than a port of entry.

23. No court, and no judge or officer thereof, shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry, or officer in charge, had, made, or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any rejected immigrant, passenger or other person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile.

24. The Governor in Council may make such further regulations governing the procedure of Boards of Inquiry and appeal therefrom as are deemed necessary.

#### SPECIAL PROVISION AS TO PASSENGERS BY VESSEL.

25. It shall be the duty of every transportation company bringing passengers or other persons to Canada by vessel to prevent such passengers or other persons leaving such vessel in Canada at any time or place other than as designated by the immigration officer in charge, and the failure of any such company to comply with such duty shall be an offence against this Act and shall be punished by a fine of not more than five hundred dollars and not less than twenty dollars, in respect of each such passenger or person, and every passenger or other person so landed may be arrested and detained for examination as contemplated under section 83 of this Act.

26. The master shall furnish to the immigration officer in charge at the port of entry a bill of health, certified by the medical officer of the vessel, such bill of health being in the form approved by the Minister and containing such information as is required from time to time under this Act.

27. Before any passengers are permitted to leave a vessel in Canada the immigration officer in charge, or any officer directed by him, may go on board and inspect such vessel and examine and take extracts from the manifest of passengers, and from the bill of health.

(2) The Governor in Council may make regulations for the inspection of immigrants in the country of their domicile or origin, or at any port of call en route or on board ship, but any such inspection shall not relieve any transportation company, owner, agent, consignee or master of a vessel of any of the obligations, fines, or penalties imposed by this Act.

28. Medical officers shall make a physical and mental examination of all immigrants, passengers, officers, members of crews or other persons seeking to enter or land in Canada from any ship or vessel, except in the case of Canadian citizens and persons who have Canadian domicile. Such examination shall be made in accordance with and subject to regulations prescribed by the Minister.

29. The immigration officer in charge, after satisfying himself that the requirements of this Act, and of any order in council, proclamation or regulation made thereunder, have been carried out, shall grant written permission to the master of the vessel to allow the passengers to leave the vessel.



(2) No vessel shall be granted clearance if the master, agent, owner, charterer or consignee violates or refuses or neglects to comply with any provision of this Act;

Provided, however, that clearance may be granted upon deposit with the immigration agent or officer in charge at a port of entry of a sum of money equal to the maximum fine or penalty which may be imposed for the violation of any of the provisions of this Act.

#### SPECIAL PROVISION AS TO PASSENGERS BY LAND.

30. Every transportation company carrying passengers in Canada by land shall, for the purposes of this Act, be considered as one with any transportation company with which it co-operates or makes or affords connection whether in Canada or not and whether under the same management or not, and shall be liable for any offence against this Act by any company with which it so co-operates or makes or affords connection.

31. Regulations made by the Governor in Council under this Act may provide that the obligations of transportation companies bringing immigrants and passengers into Canada by land shall be similar to those imposed by this Act on masters and owners of vessels bringing immigrants and passengers to Canada, including the furnishing of names and descriptions of such immigrants and passengers.

(2) Such regulations may also provide that officers under this Act shall have the power to hold and detain railway trains, cars and other vehicles entering Canada until examination of immigrants and passengers has been made as required by this Act; and may provide penalties for non-compliance with such regulations by transportation companies, or any official or employee thereof.

(3) Such regulations may also impose a duty upon transportation companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under this Act at such ports of entry or border stations as may be designated by the Minister; and may provide penalties for non-compliance by transportation companies with such regulations: Provided that no transportation company shall be made liable for the safe-keeping of any person who is in custody of an officer for any cause under this Act, unless such person is on a vessel, railway train or other vehicle belonging to or operated or controlled by such company.

(4) Transportation companies shall furnish to immigration officers such free transportation as may be required in connection with their official duties as directed by the Minister.

32. Subject to any regulations made under the preceding section, the Deputy Minister, under the direction or with the approval of the Minister, shall prescribe regulations for the entry, inspection and medical examination of immigrants and passengers along the border of Canada so as not to unnecessarily delay, impede or annoy passengers in ordinary travel.

#### LANDING OF PASSENGERS.

33. Every passenger or other person seeking to enter or land in Canada shall first appear before and make application to an immigration officer at a port of entry for permission to enter or land in Canada and shall be detained for examination, which shall be conducted forthwith on shipboard or on train, or at some other place designated for that purpose.

(2) Every passenger or other person seeking to enter or land in Canada shall answer truly all questions put to him by any officer when examined under the authority of this Act, and any person not truly answering such questions shall be guilty of an offence and liable on conviction to a fine of not more than one hundred dollars or to a term of imprisonment not exceeding two months or to both fine and imprisonment, and if found not to be a Canadian citizen or not to have Canadian domicile, such offence shall in itself be sufficient cause for deportation whenever so ordered by a Board of Inquiry or officer in charge, subject however to such right of appeal as he may have to the Minister.

(3) Every passenger or other person so examined shall be immediately landed unless the examining officer has reason to believe that the landing of such passenger or other person would be contrary to any provision of this Act.

(4) Every passenger or other person as to whose right to enter or land the examining officer has any doubt shall be detained for further examination by an officer in charge or by a Board of Inquiry, and such examination shall forth-

with be conducted separate and apart from the public, and upon the conclusion thereof such passenger or other person shall be immediately allowed to enter, landed, or shall be rejected and kept in custody pending his deportation.

(5) An order for deportation by a Board of Inquiry or officer in charge may be made in the form B in the schedule to this Act, and a copy of the said order shall forthwith be delivered to such passenger or other person, and a copy of the said order shall at the same time be served upon the master or owner of the ship or upon the local agent or other official of the transportation company by which such person was brought to Canada; and such person shall thereupon be deported by such company subject to any appeal which may have been entered on his behalf under section 19 of this Act.

(6) It shall be a violation of this Act for any person to enter Canada except at a port of entry.

(7) Any person who enters Canada except at a port of entry, or who at a port of entry eludes examination by an officer, or Board of Inquiry, or who enters Canada by force or misrepresentation or stealth or otherwise contrary to any provision of this Act, or who escapes from the custody of an officer or from an immigrant station when detained for any cause under this Act, shall be guilty of an offence under this Act, and liable on conviction to a fine of not more than two hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment; and any person suspected of an offence under this section may be arrested and detained without a warrant by any officer for examination as provided under this section; and if found not to be a Canadian citizen, or not to have Canadian domicile, such entry shall in itself be sufficient cause for deportation whenever so ordered by a Board of Inquiry or officer in charge subject to any appeal which may have been entered under section 19 of this Act.

(8) Any transportation company or person including the master, agent, owner, charterer or consignee of any vessel, who shall bring into or land in Canada by vessel or otherwise, or shall attempt by himself or through another to bring into or land in Canada by vessel or otherwise, or shall conceal or harbour or attempt to conceal or harbour or assist or abet another to conceal or harbour in any place including any building, vessel, railway car, conveyance or vehicle, any prohibited immigrant, passenger or other person, shall be guilty of an offence against this Act, and shall be liable upon summary conviction thereof to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, for each and every prohibited immigrant, passenger or other person so brought into or landed in Canada or attempted to be brought into or landed in Canada or concealed or harboured or attempted to be concealed or harboured.

(9) Any transportation company, director, official or employee thereof, or any person interfering with or resisting an immigration officer in the performance of his duty under this Act, or knowingly and wilfully assisting in the escape of any person detained in the custody of an officer or at an immigrant station for any purpose under this Act or giving false information to an officer for the purpose of inducing such officer to permit the entry or landing in Canada of any person who otherwise would be refused entry or landing for any cause under this Act or would be detained for examination, shall be guilty of an offence, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence, or to a term of imprisonment not exceeding six months, or to both fine and imprisonment.

(10) Every person who enters Canada as a tourist or traveller or other non-immigrant, but who ceases to be such and remains in Canada, shall forthwith report such facts to the nearest immigration officer and shall present himself before an officer for examination under this Act, and in default of so doing he shall be liable to a fine of not more than one hundred dollars, and shall also be liable to deportation by order of a Board of Inquiry or officer acting as such.

(11) Pending the final disposition of the case of any person detained or taken into custody for any cause under this Act he may be released under a bond, which bond may be in the form F in the schedule to this Act, with security approved by the officer in charge, or may be released upon deposit of money with the officer in charge in lieu of a bond, and to an amount approved by such officer; upon condition that such person shall appear before a Board of Inquiry or officer acting as such at any port of entry named by the officer in charge, and at such time as shall be named, for examination in regard to the

cause or complaint on account of which he has been detained or taken into custody.

(12) If such person fail to appear for examination at such time and place named, or shall fail to keep and observe every other condition under which he is so released, then such bond shall be enforced and collected, and the proceeds thereof, or the money deposited in lieu of a bond, as the case may have been, shall be paid into the hands of the Minister of Finance, and shall form a part of the Consolidated Revenue Fund of Canada; and such person may be taken into custody forthwith and deported by order of a Board of Inquiry or officer acting as such.

(13) An officer in charge at any port of entry may require a deposit of money, for such amount as such officer may prescribe as a guarantee that any person or organization admitted to Canada as belonging to any of the non-immigrant classes shall leave Canada within the time agreed upon at the time of entry, and the said money so deposited shall be refunded when the officer in charge is satisfied that such person or organization has left Canada. If, however, such person or organization does not leave Canada within the period agreed upon at the time of entry, the money so deposited shall be forfeited and become part of the Consolidated Revenue Fund of Canada: Provided that the time limit may be extended by an officer in charge with the approval of the Minister.

#### MEDICAL TREATMENT OF SICK AND DISABLED PASSENGERS.

34. A passenger or other person seeking to enter Canada or who has been rejected or is detained for any purpose under this Act, who is suffering from sickness or physical or mental disability, may whenever it is so directed by the Deputy Minister or officer in charge be afforded medical treatment on board ship or in an immigrant station, or may be removed to a suitable hospital for treatment, according as the officer in charge decides is required by existing circumstances and the condition of the persons' health as reported upon by the examining medical officer.

(2) If, in the opinion of the Deputy Minister or of the officer in charge, the transportation company which brought such person to Canada failed to exercise proper vigilance or care in so doing, then the cost of his hospital treatment and medical attention and maintenance shall be paid by such transportation company, and otherwise the cost thereof shall be collected from such person, and if that be not possible then the cost thereof shall be paid by the Department of Immigration and Colonization.

(3) The Deputy Minister, or officer in charge, may, whenever it is considered necessary or advisable for the proper care of such persons, direct that a suitable attendant, or some one upon whom such person is dependent, or some one who is dependent upon such person, as the case may be, shall be kept with such person during his medical treatment on board ship or at an immigrant station or hospital, or in case of deportation from any place within Canada shall accompany such person to his port of embarkation from Canada; and the cost thereof shall be paid by the said transportation company whenever in the opinion of the Deputy Minister it has failed to exercise proper vigilance or care as aforesaid, and otherwise the cost thereof shall be collected from such person, and if that be not possible then the cost thereof shall be paid by the Department of Immigration and Colonization.

35. A passenger or other person permitted to enter Canada for medical treatment under this Act shall not be regarded as landed within the meaning of this Act.

36. The Deputy Minister, under the direction or with the approval of the Minister, shall prescribe regulations whereby sick and diseased persons may enter Canada for treatment and cure at any health resort, hospital, sanatorium, asylum or other place or institution for the cure or care of such persons.

#### REGULATIONS AS TO MONETARY AND OTHER REQUIREMENTS FROM SPECIFIED CLASSES OF IMMIGRANTS.

37. Regulations made by the Governor in Council under this Act may provide as a condition to permission to enter or land in Canada, that immigrants and any of the non-immigrant classes, except classes (i) to (iii) inclusive, of paragraph (g) of section 2 of this Act, shall possess in their own right, money to a prescribed minimum amount, which amount may vary according to the nationality, race, occupation or destination of such persons and otherwise

according to the circumstances; and may also provide that all persons coming to Canada directly or indirectly from countries which issue passports shall produce such passports on demand of the immigration officer in charge before being allowed to enter or land in Canada, and may provide also that passports shall not be recognized unless issued within a time limited by regulations or unless viséd in the manner required.

38. The Governor in Council may, by proclamation or order, whenever he deems it necessary or expedient,—

(a) prohibit the landing in Canada or at any specified port of entry in Canada of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen, and upon a through ticket purchased in that country, or prepaid in Canada;

(b) prohibit the landing in Canada of passengers brought to Canada by any transportation company which refuses or neglects to comply with the provisions of this Act;

(c) prohibit or limit in number for a stated period or permanently the landing in Canada, or the landing at any specified port or ports of entry in Canada, of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation, by reason of any economic, industrial or other condition temporarily existing in Canada or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry.

39. When any immigrant or other person is rejected or ordered to be deported from Canada, and such person has not come to Canada by continuous journey from the country of which he is a native or naturalized citizen, but has come indirectly through another country, which refuses to allow such person to return or be returned to it, then the transportation company bringing such person to such other country shall deport such person from Canada to the country of which he is a native or naturalized citizen whenever so directed by the Minister or Deputy Minister, and at the cost of such transportation company, and in case of neglect or refusal so to do, such transportation company shall be guilty of an offence against this Act, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence.

#### DEPORTATION OF PROHIBITED AND UNDESIRABLE CLASSES.

40. Whenever any person, other than a Canadian citizen or person having Canadian domicile, shall be found an inmate of or connected with the management of a house of prostitution or practising prostitution, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute or who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose, or who has been convicted of a criminal offence in Canada or who admits the commission prior to landing or entry to Canada, of a crime involving moral turpitude, or has become a professional beggar or a public charge or practises polygamy, or has become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars.

41. Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassina-

tion of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbeliefs in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

(2) Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes.

42. Upon receiving a complaint from any officer, or from any clerk or secretary or other official of a municipality, against any person alleged to belong to any prohibited or undesirable class, the Minister or the Deputy Minister may order such person to be taken into custody and detained at an immigrant station for examination and an investigation of the facts alleged in the said complaint to be made by a Board of Inquiry or by an officer acting as such. Such Board of Inquiry or officer shall have the same powers and privileges, and shall follow the same procedure, as if the person against whom complaint is made were being examined upon application to enter or land in Canada and such person shall have the same rights and privileges as he would have if seeking to enter or land in Canada.

(2) If upon investigation of the facts such Board of Inquiry or examining officer is satisfied that such person belongs to any of the prohibited or undesirable classes mentioned in sections 40 and 41 of this Act, such persons shall be deported forthwith, subject, however, to such right of appeal as he may have to the Minister.

(3) The Governor in Council may, at any time, order any such person found by a Board of Inquiry or examining officer to belong to any of the undesirable classes referred to in section 41 of this Act to leave Canada within a specified period. Such order may be in the form D in the schedule to this Act, and shall be in force as soon as it is served upon such person, or is left for him by any officer at the last known place of abode or address of such person.

(4) Any person rejected or deported only by reason of inability to comply with the provisions of any Order in Council which has been rescinded, may be subsequently permitted to enter or land in Canada by a Board of Inquiry or officer in charge, on complying with the provisions of the *Immigration Act*, but any person rejected or deported by reason of any other cause under this Act, or removed, expelled or deported under the authority of any order in council or other regulation made under *The War Measures Act, 1914*, shall not be permitted to enter or land in Canada without the consent of the Minister, and any person who enters or remains in or returns to Canada after such rejection or deportation contrary to the provisions of this section, or who refuses or neglects to leave Canada when ordered so to do by the Governor in Council, as provided by subsection three of this section, shall be guilty of an offence against this Act, and any person suspected of an offence under this section may forthwith be arrested and detained without warrant by any officer for examination and deportation, as provided under section thirty-three of this Act, or may be prosecuted for such offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars, or to a term of imprisonment not exceeding one year, or to both fine and imprisonment, and upon payment of the fine or after expiry of any sentence imposed for such offence may be again deported or ordered to leave Canada under this section.

(5) In any case where deportation of the head of a family is ordered, all dependent members of the family may be deported at the same time. And in any case where deportation of a dependent member of a family is ordered on account of having become a public charge, and in the opinion of the Minister such circumstance is due to wilful neglect or no-support by the head or other members of the family morally bound to support such dependent members, then all members of the family may be deported at the same time.

43. Whenever any person other than a Canadian citizen or a person having Canadian domicile, has become an inmate of a penitentiary, gaol, reformatory or prison, the Minister of Justice may, upon the request of the Minister of Immigration and Colonization, issue an order to the warden or governor of such penitentiary, gaol, reformatory or prison, which order may be in the form E in the schedule to this Act, commanding him after the sentence or term of imprisonment of such person has expired to detain such person for, and deliver him to, the officer named in the warrant issued by the Deputy Minister, which warrant may be in the form EE in the schedule to this Act, with a view to the deportation of such person.

(2) Such order of the Minister of Justice shall be sufficient authority to the warden or governor of the penitentiary, gaol, reformatory or prison, as the case may be, to detain and deliver such person to the officer named in the warrant of the Deputy Minister as aforesaid, and such warden or governor shall obey such order, and such warrant of the Deputy Minister shall be sufficient authority to the officer named therein to detain such person in his custody, or in custody at any immigrant station, until such person is delivered to the authorized agent of the transportation company which brought such person into Canada, with a view to deportation as herein provided.

#### CONCEALED WEAPONS.

43A. No immigrant shall bring into Canada any pistol, sheath knife, dagger, stiletto, or other offensive weapon that can be concealed upon the person, and any officer who has reason to suspect that any immigrant has any such weapon in his possession may search the person and baggage of such immigrant, and may seize any such weapon, which shall thereupon be confiscated to His Majesty and disposed of as the Minister may direct; provided, that in any such case the immigrant may appeal to the Minister, and the Minister may give such directions for the return or other disposal of such weapon, as he deems just and proper.

#### OBLIGATIONS OF TRANSPORTATION COMPANIES IN CASES OF REJECTION AND DEPORTATION.

44. Every immigrant, passenger, stowaway or other person brought to Canada by a transportation company and rejected by the Board of Inquiry or officer in charge, shall, if practicable, be sent back to the place whence he came, on the vessel, railway train or other vehicle by which he was brought to Canada. The cost of his maintenance, while being detained at any immigrant station, as well as the cost of his return, shall be paid by such transportation company, except as provided in section 19 of this Act.

(2) If any such transportation company—

(a) refuses to receive any such person back on board of such vessel, railway train or other vehicle or on board of any other vessel, railway train or other vehicle owned or operated by the same transportation company, when so directed by the officer in charge; or,

(b) fails to detain any such person thereon; or,

(c) refuses or fails to return him to the place whence he came to Canada; or,

(d) refuses or fails to pay the cost of his maintenance while on land awaiting deportation; or,

(e) makes any charge against any such person for his maintenance while on land, or for his return to the port of embarkation, or takes any security from any such person for the payment of such charge; such master, agent, owner or transportation company concerned shall be guilty of an offense against this Act, and shall be liable to a fine of not more than five hundred dollars and not less than fifty dollars for each offence; and no such vessel shall have clearance from any port of Canada until such fine is paid.

45. Every person ordered to be deported under this Act who has been brought to Canada by ship, shall be reconveyed free of charge, by the railway company

or companies which brought him to the place in Canada where he is being detained for deportation, to the ocean port where he was landed, or the nearest available winter ocean port, as may be directed by the Board of Inquiry, and thence he shall be conveyed free of charge by the transportation company which brought him to Canada to the place in the country whence he was brought or to the country of his birth or citizenship, and in such manner as to passage accommodation as may be directed by the officer in charge; and similarly every such person brought to Canada by a railway train or other vehicle shall, subject to the regulations under sections 31 and 32 of this Act, be reconveyed free of charge by the transportation company which carried him to the place in Canada where he is rejected or where he is being detained for deportation to the place in the country whence he was brought or to the country of his birth or citizenship, as may be directed by the officer in charge.

(2) If deportation proceedings are instituted later than five years after the landing or entry of any person, or if deportation is ordered by reason of causes arising subsequent to entry, the Minister shall be the final judge of whether the cost of deportation shall be paid by the transportation company or by the Department of Immigration and Colonization.

46. Every transportation company which refuses or neglects to comply with the order of the Minister or Board of Inquiry, or officer acting as such Board to take on board, guard safely, and return to the place in the country whence he came, or to the country of his birth or citizenship, as may be directed by such order, any passenger or other person brought to Canada by such transportation company and ordered to be deported under the provisions of this Act, shall be liable to a fine of not more than five hundred dollars and not less than fifty dollars, in each case.

47. The Minister shall prescribe regulations for the proper detention and treatment on board ship or railway train or other vehicle of all persons who have been ordered to be deported under this Act, both while awaiting and during deportation.

48. Every transportation company which, through the connivance or negligence of any of its officials or employees, permits the escape of any person delivered into the custody of such transportation company by any officer for deportation under this Act shall, on conviction, be punished by a fine of not more than five hundred dollars and not less than fifty dollars for each offence.

(2) In the event of such person escaping from the custody of a transportation company, it shall be the duty of the master of the vessel, conductor of the train, dock-master, special constable or other official or employee of the transportation company in whose custody such person then was, to immediately report such escape to the nearest available immigration officer; and it shall also be the duty of the said company forthwith to report such escape to the Deputy Minister, and such report shall state when, and from whom, such person was received, and the time and mode of escape. Failure on the part of such master, conductor, or other official to so report to the nearest available immigration officer shall render him liable to a penalty of not more than twenty dollars and not less than ten dollars for each offence, and failure on the part of the transportation company to so report to the Deputy Minister shall render such company liable to a fine of not more than one hundred dollars and not less than twenty dollars for each offence.

(3) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger, or other person afflicted with idiocy, imbecility, feeble-mindedness, epilepsy, insanity, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or with any loathsome disease or any disease which is contagious or infectious or which may become dangerous to the public health, and if it shall appear to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that such immigrant, passenger or other person so brought to Canada was afflicted with any of the said diseases or disabilities at the time of embarkation for Canada and that the existence of such disease or disability might have been detected by means of a competent medical examination at the time of embarkation, the transportation company which brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of two hundred dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place in the country whence he was brought or from the country of his birth or citizenship, for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

(4) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger or other person afflicted with any mental defect other than those described in the preceding subsection, or physical defect of a nature which may affect his liability to earn his living, and if it shall appear to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that any immigrant or person so brought to Canada was so afflicted at the time of embarkation for Canada, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, the transportation company which brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of twenty-five dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place of his birth or citizenship for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

(5) No vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded unless in the opinion of the Minister a mistake has been made: Provided that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fines; and provided, further, that nothing contained in the foregoing subsections shall be construed to subject transportation companies to a fine for bringing to ports of Canada Canadian citizens and persons who have Canadian domicile and who are permitted to land in Canada as a matter of right.

40. (1) The master of every vessel arriving at any port of entry in Canada shall forthwith after such arrival and before any entry of such vessel is allowed, deliver to the immigration officer in charge a typewritten or printed list or manifest in the form prescribed by the Minister, of all the passengers and stowaways on board such vessel at the time of her departure from the port or place whence she has cleared or sailed for Canada, or who were on board such vessel at the time of her arrival in Canada, or at any time during her voyage; and such typewritten or printed list or manifest shall also show whether any of the persons named thereon are insane, idiotic, epileptic, dumb, blind, or infirm, or suffering from any disease or injury or physical defect which may be cause for rejection under this Act, and whether or not they are accompanied by relatives able to support them, and if any change in the condition of such passenger or stowaway has occurred or developed such change shall also be stated; and such list or manifest shall be verified by the signature and the oath or affirmation of the master or other officer in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said passengers, and that from the report of said surgeon and from his own investigation he believes that the information in said lists or manifests concerning each of said passengers named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said passengers named therein, and that the said list or manifest, according to the best of his knowledge and belief is full, correct and true in all particulars relating to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing immigrants to Canada, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels and the manifests shall be verified by such surgeon before a British Consular Officer or other officer authorized to administer oaths.

(2) Such manifest shall further state if any birth has taken place during the voyage, and shall state the name, age and last place of residence of any person who has died during the voyage, and shall specify the cause of death and whether such person was accompanied by relatives or other persons who are entitled to take charge of the moneys and effects left by such person and the disposition made thereof.

(3) If there were no such relatives or other persons so entitled, the manifest shall fully designate the quantity and description of the property, whether



money or otherwise, left by such person; and the master of the vessel shall pay over to the immigration officer in charge at the port at which the vessel is entered, and fully account for, all moneys and effects belonging to any person who has died on the voyage. The officer in charge shall thereupon give to the master a receipt for all moneys or effects so placed in his hands by the master, which receipt shall contain a full description of the nature or amount thereof.

(4) If the master of such vessel fails—

(a) to deliver such manifest required by this section; or,

(b) wilfully or negligently fails to state therein all the particulars of information required by this section; or,

(c) wilfully or negligently makes any false statement in such manifest, he shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding one hundred dollars and not less than twenty dollars for every person with regard to whom any such omission occurs or any such false statement is made.

(5) If the master of any vessel arriving at any port of entry in Canada permits any passenger to leave the vessel before he has delivered to the immigration officer in charge a correct manifest in the form prescribed by the regulations in that behalf, and receive permission from the officer in charge to allow the passengers to land, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every passenger so leaving the vessel.

(6) If the master of any vessel arriving at any port of entry in Canada fails to produce or satisfactorily account for every passenger whose name appears on the manifest, when required so to do by the immigration officer in charge of the port of entry to which such passenger is manifested, such master shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars in the case of each such passenger.

(7) If the master of any vessel arriving at any port of entry in Canada permits any stowaway to leave the vessel without permission of the immigration officer in charge, or through negligence permits such stowaway to escape from the vessel before the immigration officer in charge has given permission for such stowaway to be landed, or after such stowaway has been ordered to be deported, or in the event of such escape fails to report it forthwith to the immigration officer in charge, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every stowaway so leaving or escaping from the vessel.

50. The master of any vessel sailing from a port outside of Canada who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure, and who does not report such additional passengers in the manifest required to be delivered under this Act to the immigration officer in charge at the port of entry, shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for each passenger so embarked as aforesaid and not included in one of the said manifests.

51. (1) The master of every vessel embarking outbound passengers from any seaport of Canada shall, on the return voyage of such vessel to Canada, deliver to the immigration officer in charge a manifest in form prescribed by the regulations in that behalf giving the names of all such passengers on board such vessel, or booked to sail by such vessel, and stating in every case whether they are British subjects or aliens, and their sex, nationality and port of destination.

(2) If the master of any vessel refuses or omits to deliver such manifest of outbound passengers he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger with regard to whom he has refused or wilfully neglected to give the required information, and clearance of such vessel may be refused until such manifest has been delivered to the immigration officer in charge: Provided, however, that the master of any vessel plying between seaports of Canada and adjacent or neighbouring seaports in Newfoundland or the United States may, by written permission of the Minister or Deputy Minister, given to such master or to the transportation company of which he is an employee, be exempted from the requirements of this section.

52. (1) Upon arrival of any vessel in Canada from any port or place outside of Canada, it shall be the duty of the transportation company, owner, agent, consignee, or master of a vessel, to deliver to the agent or inspector in charge at the port of entry such lists as may be required by the Minister

containing the names of all officers, seamen or other persons employed on such vessel which lists shall contain whatever information the Minister shall prescribe, and before the departure of any such vessel, the Minister may also require such transportation company, owner, agent, consignee or master to deliver to the agent or officer in charge at the port of entry a further list containing the names of all officers, members of the crew or other persons who were not employed on such vessel at the time of arrival but who will leave port thereon at the time of departure, and also the names of those who have been paid off or discharged and all those if any who have deserted or landed, and if such transportation company, owner, agent, consignee or master of such vessel neglects or refuses to deliver either of the said list of officers, members of the crew and other persons employed on such vessel arriving and departing respectively or to report such cases of desertion or landing of all officers and members of the crew and other persons paid off and discharged, such transportation company, owner, agent, consignee or master shall, if required by the agent or Inspector in charge, with the approval of the Minister, pay to the agent or Inspector in charge the sum of ten dollars for each officer or member of the crew or other person concerning whom correct lists are not delivered or a true report is not made as above required, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: Provided, that clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

(2) If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any officer, seaman or other member of the crew or other person employed on such vessel without such person having first been examined by an immigration officer as required under section thirty-three of this Act, such master shall, if required by the agent or Inspector-in-charge, with the approval of the Minister, pay to the agent or officer-in-charge the sum of twenty dollars for such officer, seaman, or other member of the crew or other person employed on such vessel who has been paid off or discharged without first having been examined by an immigration officer, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such be remitted or refunded: Provided, that clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine: Provided further that the Immigration officer-in-charge may allow any officer or seaman to enter Canada temporarily for the purpose of reshipping under such regulations as the Minister may prescribe.

(3) No officer, seaman or other person belonging to the prohibited classes and employed on board any vessel arriving in Canada from any port outside of Canada, shall be permitted to land in Canada except temporarily for medical treatment or pursuant to regulations prescribed by the Minister providing for the ultimate removal or deportation of such officer, seaman or other person from Canada; and the neglect, failure or refusal of the transportation company, owner, agent, consignee or master of such vessel to detain on board any such officer, seaman or other person after notice in writing by the agent or immigration officer in charge at the port of entry, and to deport such officer, seaman or other person if required by such agent or immigration officer in charge, or by the Minister, shall render such transportation company, owner, agent, consignee or master liable to a penalty not exceeding five hundred dollars, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any court having competent jurisdiction; provided that this section shall not apply to Canadian citizens or persons having Canadian domicile.

(4) It shall be unlawful for any vessel upon arrival at any port of entry in Canada from any port or place outside of Canada to have on board employed thereon, any person afflicted with idiocy, feeble-mindedness, imbecility, insanity, epilepsy or with any loathsome disease or any disease which is contagious or infectious or which may become dangerous to the public health, and if it appears to the satisfaction of the Minister from an examination made by a medical officer and so certified by such officer, that any such person was so afflicted at the time he was shipped or engaged or taken on board such vessel, and that the existence of such affliction might have been detected by means of a competent medical examination at such time for every such person so afflicted on board any such vessel at time of arrival the master, owner, agent

or consignee shall pay to the immigration agent or officer in charge at such port of entry the sum of fifty dollars and pending departure of the vessel such person shall be detained and treated under supervision of an immigration officer at the expense of the vessel, and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: Provided, that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine and expenses: Provided, further, that nothing contained in this section shall be construed to subject the master, owner, agent or consignee of any vessel to a fine for bringing to a port of entry Canadian citizens, persons having Canadian domicile, or officers, seamen or other persons who have signed articles in Canada, and who are returning under the terms of the articles so signed.

(5) Any transportation company or person including the owner, agent, consignee, or master of any vessel arriving in Canada, from any port or place outside of Canada, who shall knowingly sign on the ship's articles, or bring to Canada as any of the officers or crew of such vessel, any person other than a Canadian citizen or a person having Canadian domicile, with intent to permit such person to land in Canada, contrary to the provisions of this Act, or who shall represent to the immigration authorities at the port of entry that any such person is a *bond fide* officer or member of the crew, shall be liable to a penalty not exceeding five hundred dollars, and not less than fifty dollars for each such person, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any court in Canada having competent jurisdiction.

(6) In case any officer, seaman or other member of the crew, or other person employed on any vessel deserts the vessel while in any Canadian port, such vessel shall not be granted clearance until the master or the responsible agent or owner in Canada of the vessel has deposited with the officer-in-charge such sum as may be prescribed by him, which deposit shall be held as security for the return of such deserter to the vessel or for his deportation, whichever event shall first happen. In case such deserter returns to the vessel, or is deported under the provisions of this Act, the amount of such deposit shall be returned less any expenses for detention, maintenance, transportation, subsistence, medical or hospital treatment or otherwise which the Government shall have incurred on account of such deserter.

53. Nothing in this Act shall prevent the master of any vessel from permitting any passenger to leave the vessel outside of Canada at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case the name of the passenger so leaving shall be entered in the manifest of passengers made out at the time of the clearing of the vessel from the port of departure or at the port at which such passenger was embarked.

54. Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger or stowaway has been permitted to leave the vessel contrary to the provisions of this Act (and who does not immediately upon the arrival of such vessel in the port to which he engaged to pilot her, and before the immigration officer in charge has given permission to the passengers to leave the vessel, inform the said officer that such passenger or stowaway has been so permitted to leave the vessel, shall be liable to a fine of not more than one hundred dollars and not less than ten dollars for every passenger with regard to whom he has wilfully neglected to give such information.

#### PROTECTION OF IMMIGRANTS.

55. Every person who causes or procures the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in such outside country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representations which are thereafter so published, circulated or communicated, shall be guilty of an offence against this Act, and liable on summary conviction before two justices of the peace, to a fine of not more than five hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

56. If, during the voyage of any vessel carrying immigrants from any port outside of Canada to any port in Canada, the master or any of the crew is guilty of any violation of any law in force in the country in which such foreign port is situate, regarding the duties of such master or crew towards the immigrants in such vessel, or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master, or by the owners of such vessel, such master or such one of the crew shall, for every such violation or breach of contract, be liable to a fine not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which such immigrants complaining may otherwise have.

57. No officer, seaman or other person on board of a vessel bringing immigrants to Canada shall, while such vessel is in Canadian waters, entice or admit any female immigrant into his apartment, or, except by the direction or permission of the master of such vessel, first given for such purpose, visit or frequent any part of such vessel assigned to female passengers.

(2) Every officer, seaman or other man employed on board of a vessel bringing immigrants to Canada, who, while such vessel is in Canadian waters, entices or admits any female immigrant into his apartment or, except by the direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female passengers, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding twenty-five dollars for every such offence.

(3) Every master of a vessel who, while such vessel is in Canadian waters, directs or permits any officer or seaman, or other man employed on board of such vessel to visit or frequent any part of such vessel assigned to female immigrants, except for the purpose of doing or performing some necessary act or duty, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding twenty-five dollars for every such offence.

58. The master of every vessel bringing immigrants to Canada from Europe shall, at all times while the vessel is in Canadian waters, keep posted, in a conspicuous place on the fore-castle and in the parts of the steerage of the said vessel assigned to steerage passengers, a written or printed notice in the English, French, Swedish, Danish, German, Russian and Yiddish languages, and such other languages as are ordered from time to time by the Deputy Minister, containing the provisions of this Act regarding the prevention of intercourse between the crew and the immigrants and the penalties for the contravention whereof, and shall keep such notice so posted during the remainder of the voyage.

(2) Every master of a vessel bringing immigrants to Canada from Europe who neglects to post, and keep posted, the notice required by this Act to be posted regarding the prevention of intercourse between the crew and the immigrants and the penalties for contravention thereof, as required by this Act, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding one hundred dollars for every such offence.

(3) The Immigration officer in charge shall inspect every such vessel upon arrival for evidence of compliance with this section, and shall institute proceedings for any penalty incurred for violation thereof.

(4) The Minister may detail officers for duty on vessels carrying immigrants to Canada. When officers are detailed for such duty they shall remain in that part of the vessel assigned to immigrant passengers, and it shall be their duty to observe such immigrant passengers during the voyage and to report to the officer in charge at the port of arrival in Canada any information which they may have acquired during the voyage as to the desirability or undesirability of such immigrant passengers.

59. If any vessel from any port or place outside of Canada comes within the limits of Canada having on board, or having had on board, at any time, during her voyage—

(a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel appropriated to the use of such passengers and unoccupied by stores or other goods, not being the personal luggage of such passengers; or,

(b) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships, the master of such vessel shall be liable to a fine not exceeding twenty dollars, and not less than ten dollars for each passenger or person constituting such excess.

(2) For the purpose of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult.

(3) If there shall be a bar or other place for the sale of intoxicating liquors on any such vessel in the quarters assigned to third-class or steerage passengers, or in which third-class or steerage passengers are permitted to have access at any time during the voyage of such vessel to Canada, the master of such vessel shall be guilty of an offence against this Act and shall be liable to a fine not exceeding five hundred dollars and not less than fifty dollars; and any officer or member of the crew of such vessel who sells or gives intoxicating liquor to any third-class or steerage passenger, during the voyage of such vessel to Canada, without the consent of the master or ship surgeon or other qualified medical practitioner on board thereof, shall be guilty of an offence against this Act and shall be liable to a fine not exceeding fifty dollars and not less than ten dollars for every such offence.

60. Every immigrant on any vessel arriving at a port of entry to which the owner or master of such vessel engaged to convey him, if facilities for housing or inland carriage for such immigrant are not immediately available, shall be entitled to remain and keep his luggage on board such vessel for a period of twenty-four hours or until such facilities are available, whichever shall first occur, and the master of such vessel shall not, until such time, remove any berths or accommodations used by such immigrant.

61. Passengers and their luggage shall be landed from any ship by the master thereof free of expense to the said passengers, and such landing shall be either at a usual public landing place at the port of entry or at such other place as is designated by the officer in charge.

62. The Minister or the Deputy Minister may, from time to time, by instructions to the immigration officer in charge, appoint the places at which passengers arriving at such port shall be landed.

63. At the places so appointed the Minister or Deputy Minister may cause proper shelter and accommodation to be provided for immigrants until they can be forwarded to their place of destination.

64. If both the immigrant parents, or the last surviving immigrant parent of any child brought with them in any vessel bound for Canada, die on the voyage, or at any immigrant station or elsewhere in Canada while still under the care of any immigrant agent, or other officer under this Act, the Minister, or such officer as he deposes for the purpose, may cause the effects of such parents to be disposed of for the benefit of such child to the best advantage in his power, or in his discretion to be delivered over to any institution or person assuming the care and charge of such child.

65. If complaint be made to the Minister or the Deputy Minister against any company or person for any violation of this Act, in any matter relating to immigrants or immigration, the Minister may cause such inquiry as he thinks proper to be made into the facts of the case, or may bring the matter before the Governor in Council in order that such inquiry may be made under *The Inquiries Act*.

(2) If upon such inquiry it appears to the satisfaction of the Minister that such company or person has been guilty of such violation, the Minister may require such company or person to make such compensation to the person aggrieved, or to do such other thing, as is just and reasonable; or may adopt measures for causing such proceeding to be instituted against such company or person as the case requires.

66. The Governor in Council may make such regulations and impose such penalties as are deemed expedient to safeguard the interests of immigrants seeking employment from any companies, firms, or persons carrying on the business of intelligence offices or employment or labour agencies at any place in Canada.

#### IMMIGRANT RUNNERS.

67. The Deputy Minister may issue to agents of transportation companies, forwarding and transfer companies, hotels and boarding houses, a license authorizing such persons to exercise the vocation of immigrant runners, or of soliciting the patronage of immigrants for their respective companies, hotels or boarding houses, or of booking passengers. Such license shall be in the form prescribed by the Deputy Minister, and may at any time be cancelled by him under the direction or with the consent of the Minister.

68. No person shall at any port or place in Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally or by handbill or placard or in any other manner, any immigrant to or on behalf of any owner of a vessel, or to or on behalf of any inn-keeper or boarding-house keeper, or any other person, for any purposes connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or elsewhere, or give or pretend to give to such immigrant any information oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers, or of taking money for their inland fare, or for the transportation of their luggage, unless such person has first obtained a license from the Deputy Minister authorizing him to act in such capacity.

69. Every person licensed under this Act as an immigrant runner, or person acting on behalf of any transportation company, or forwarding or transfer company, or hotel or boarding-house, and every person in his employ, who sells to any immigrant a ticket or order for the passage of such immigrant, or for the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the company or person undertaking such conveyance, and every person who purchases any such ticket from an immigrant for less than its value, or gives in exchange for it one of less value, shall be guilty of an offence against this Act, and the license of such person shall be cancelled.

70. No licensed immigrant runner, or agent or person acting on behalf of any transportation company, or other person, shall go on board any vessel after such vessel has arrived in Canadian waters until all passengers thereon have been landed, or shall go into any immigrant station, unless he is authorized so to do by the Deputy Minister or officer in charge.

#### DUTIES OF INN-KEEPERS.

71. Every inn-keeper or boarding-house keeper in any city, town, village or place in Canada designated by any order in council, who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon his business cards, a list of the prices which will be charged to immigrants per day and per week for board or lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house, together with the name of the street in which it is situate, and its number in such street.

2. No such inn-keeper or boarding-house keeper shall have any lien on the effects of such immigrant for any amount claimed for such boarding or lodging for any sum exceeding five dollars.

72. Every such inn-keeper or boarding-house keeper who detains the effects of any immigrant by reason of any claim for board or lodging after he has been tendered the sum of five dollars or such less sum as is actually due for the board or lodging of such immigrant, shall incur a penalty not exceeding twenty-five dollars and not less than five dollars, over and above the value of the effects so detained, and he shall also be liable to restore such effects.

(2) In the event of such unlawful detention, the effects so detained may be searched for and recovered under search warrant as in the case of stolen goods.

#### RULES, FORMS AND NOTICES.

73. In addition to the forms set out in the schedule to this Act the Deputy Minister, under direction or with the consent of the Minister, shall prescribe, formulate and issue such rules, notices, forms of reports and manifests, and other forms as are deemed necessary from time to time in connection with regulations made under this Act or for the use and guidance of officers under this Act, or of transportation companies and agents thereof, and masters of vessels and immigrants.

74. The Deputy Minister shall, under the direction or with the consent of the Minister, prescribe and contract for suitable uniforms and insignia for the various officers on duty at ports of entry, and the same shall be supplied to such officers, and one-third of the cost thereof shall be chargeable to such officers, or in the case of officers having their uniforms made to order a proportionate sum shall be paid to them on account thereof.

75. All officers while on duty at ports of entry, or on duty elsewhere inspecting immigrants or passengers, or acting on a Board of Inquiry, or on duty in

connection with the deportation of any person under this Act, shall wear the uniform prescribed for them, unless otherwise directed by the Deputy Minister.

#### PROSECUTIONS AND PROCEDURE.

76. Any officer may institute summary proceedings before any police or stipendiary magistrate, recorder, or any two justices of the peace, against any transportation company, or director, official or employee thereof, or against any other person charged with an offence against this Act, at the place where such offence was committed in Canada, or at the place where such company has an office or place of business in Canada, or where such person then is.

(2) Such magistrate, recorder, or justices of the peace may, in addition to any fine or penalty imposed, award costs against any such company or person as in ordinary cases of summary proceedings, and in default of payment thereof may award imprisonment for a term not exceeding three months, to terminate on payment of the fine or penalty and costs incurred, and may, in his discretion, award any part of such fine or penalty, when recovered, to any one aggrieved by or through the act or neglect of such company or person.

(3) Subject to such award to any one aggrieved, all fines and penalties recovered under this Act shall be paid to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada.

(4) Every duty and every fine or penalty imposed under authority of this Act upon a transportation company, or upon any director, official or employee thereof, or upon any other person, shall, until payment thereof, be a lien upon any and all property of such company or person in Canada, and may be enforced and collected by the seizure and sale of all or any such property under the warrant or process of the magistrate or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except wages.

(5) Every duty imposed under authority of this Act upon a transportation company shall be a duty devolving upon every director, official or employee thereof, and every duty imposed upon the master of a vessel shall be a duty devolving upon the owner thereof.

(6) Imprisonment of a master or owner of any vessel, or of any official or employee of any transportation company, for any offence against this Act, shall not discharge the ship or other property of such company from the lien attached thereto by this Act.

77. No conviction or proceeding under this Act shall be quashed for want of form, nor, unless the penalty imposed is one hundred dollars or over, be removed by appeal or certiorari or otherwise into any superior court.

(2) No warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and there is a good and valid conviction to sustain such warrant.

(3) In case of removal by appeal or certiorari or otherwise of any conviction or proceeding under this Act into any superior court, security shall be given to the extent of one hundred dollars for the costs of such removal proceedings to such superior court.

78. Every person who violates any provision of this Act, or of any order in council, proclamation or regulation thereunder in respect of which violation no other penalty is provided by this Act, shall incur a penalty not exceeding one hundred dollars.

#### APPLICATION TO CHINESE.

79. All provisions of this Act not repugnant to the provisions of *The Chinese Immigration Act* shall apply as well to persons of Chinese origin as to other persons.

#### EXPENSES OF ADMINISTRATION.

80. All expenses incurred in administering this Act and carrying out the provisions thereof, and of affording help and advice to immigrants, and aiding, visiting and relieving destitute immigrants, procuring medical assistance and otherwise attending to the objects of immigration, shall be paid out of any moneys granted by Parliament for any such purpose and under such regulations or under such orders in council, if any, as are made for the distribution and application of such moneys.

## RESTRICTION OF IMMIGRATION.

## GENERAL REGULATIONS.

81. The Governor in Council may, on the recommendation of the Minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for enforcing the provisions of this Act according to the true intent and meaning thereof.

## REPEAL.

82. The following Acts are repealed: Chapter 93 of the Revised Statutes, 1906; chapter 19 of the statutes of 1907, and chapter 83 of the statutes of 1908.

## SCHEDULE.

## Form A.

## PERMIT TO ENTER CANADA.

Canada.

The Immigration Act, section 4.

To all Immigration Officers:

This is to certify that-----

(name in full)

of-----

(last place of residence)

(occupation or other description)

is hereby permitted to enter and remain in Canada for a period of -----  
from the date hereof free from examination or other restrictions under The  
Immigration Act.

Dated at Ottawa this ----- day of ----- 19-----.

-----  
Minister of Immigration and Colonization.

(Seal of the Department of Immigration and Colonization.)

## Form AA.

## CANCELLATION (OR EXTENSION) OF PERMIT.

Canada.

The Immigration Act, section 4.

To all Immigration Officers:

This is to certify, that the Permit to Enter Canada issued to-----

(name in full)

of----- on the ----- day of ----- 19--

(last place of residence)

is hereby cancelled (or is hereby extended for a further period of -----  
from the date hereof.)

-----  
Minister of Immigration and Colonization.

(Seal of the Department of Immigration and Colonization.)



## Form B.

## ORDER FOR DEPORTATION.

Canada.

The Immigration Act, section 33.

To \_\_\_\_\_  
(transportation company)and to \_\_\_\_\_  
(person rejected)

Port of entry \_\_\_\_\_

Province of \_\_\_\_\_

This is to certify that \_\_\_\_\_

(name in full)

of \_\_\_\_\_

(last place of residence)

a person seeking to enter Canada at this port, ex \_\_\_\_\_

(ship or train)

from \_\_\_\_\_ which arrived at this port on \_\_\_\_\_ at \_\_\_\_\_ o'clock has this day been examined by the Board of Inquiry (or officer in charge) at this port, and has been rejected for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(here state reasons in full)

And the said \_\_\_\_\_ is hereby ordered to be deported to the place from whence he came to Canada. Such conveyance shall be by the first available ship or train of the transportation company which brought the said \_\_\_\_\_ to Canada.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Chairman of the Board of Inquiry (or  
Immigration Officer in Charge).

## NOTICE TO PERSON ORDERED TO BE DEPORTED.

If you claim to be a Canadian citizen or to have acquired Canadian domicile, you have the right to consult counsel and appeal to the courts against deportation.

In all other cases you may appeal to the Minister of Immigration and Colonization against any decision of the Board of Inquiry or officer in charge whereby you are ordered to be deported unless such decision is based upon a certificate of the examining medical officer that you are affected with a loathsome disease or a disease which may become dangerous to the public health. The formal notice of appeal will be supplied to you by the immigration officer in charge upon request and upon deposit of the sum of twenty dollars for the cost of your maintenance, and the sum of ten dollars for the maintenance of each person dependent upon you, until the Minister has decided upon your case.

## Form C.

## NOTICE OF APPEAL.

Canada.

The Immigration Act, section 19.

To the Minister of Immigration and Colonization,  
Ottawa, Canada.

I, \_\_\_\_\_ of \_\_\_\_\_ hereby appeal from the decision of the Board of Inquiry (or officer in charge) at this port whereby my application to land in Canada has been rejected, and I have been ordered to be deported to \_\_\_\_\_  
(name in full) (last place of residence)

And I deposit herewith the sum of twenty dollars for cost of my maintenance, and ten dollars for the maintenance of each person dependent upon me pending your decision.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Appellant.

## RESTRICTION OF IMMIGRATION.

## Form D.

ORDER TO LEAVE CANADA.

Canada.

The Immigration Act, section 42.

To \_\_\_\_\_ of \_\_\_\_\_

Whereas it has been shown by evidence satisfactory to His Excellency the Governor in Council that you advocated in Canada the overthrow of the Government of Canada by force or violence (*or as the case may be*).

You are hereby ordered under and by virtue of the authority conferred upon His Excellency by section 42 of the Immigration Act within \_\_\_\_\_ days after the service of this order upon you, or after its being left for you at your last known address or place of abode, to leave and depart from Canada, and not to return.

Dated at Ottawa this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Clerk of the Council.

(Seal of the Privy Council.)

## Form E.

ORDER OF THE MINISTER OF JUSTICE.

Canada.

The Immigration Act, section 43.

To \_\_\_\_\_ (Governor or Warden of gaol, prison, reformatory or penitentiary)---

Whereas \_\_\_\_\_ of \_\_\_\_\_ has become an inmate of \_\_\_\_\_, having been convicted of the crime of \_\_\_\_\_ And whereas, under the provisions of The Immigration Act, I have been requested by the Minister of Immigration and Colonization to issue an order to you, the said \_\_\_\_\_ to detain the said \_\_\_\_\_ (*warden or governor, as the case may be*)

\_\_\_\_\_ after expiry of his sentence, or term of imprisonment, and to deliver him to the officer named in the warrant of the Deputy Minister with a view to the deportation of the said \_\_\_\_\_

Now know you that I, the Minister of Justice of Canada, do hereby, under the provisions of the said Act, order you, the said \_\_\_\_\_, to detain and deliver the said \_\_\_\_\_ to \_\_\_\_\_ the officer authorized by warrant of the Deputy Minister, to receive the said \_\_\_\_\_ from you with a view to his deportation under the provisions of the said Act.

For which this shall be your sufficient warrant.

Dated at Ottawa this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Minister of Justice.

(Seal of the Department of Justice.)

## Form EE.

## WARRANT OF THE DEPUTY MINISTER.

Canada.

The Immigration Act, section 43.

By the Deputy Minister:

To \_\_\_\_\_ of \_\_\_\_\_

Whereas \_\_\_\_\_ of \_\_\_\_\_ has become an inmate of \_\_\_\_\_

(gaol, prison, reformatory or penitentiary)

And whereas, under the provisions of the Immigration Act, an order has been issued for the deportation of the said \_\_\_\_\_ and application has been made to the Minister of Justice for an order addressed to the \_\_\_\_\_ of the said \_\_\_\_\_ commanding

(governor or warden) (gaol, prison, reformatory or penitentiary)

him to detain and deliver the said \_\_\_\_\_ into your custody after expiry of his sentence or term of imprisonment in the said \_\_\_\_\_

\_\_\_\_\_ with a view to his deportation under the provisions of the said Act. (gaol, prison, reformatory or penitentiary)

Now know you that I, \_\_\_\_\_ Deputy Minister, do hereby order you to receive the said \_\_\_\_\_ and him safely to keep and \_\_\_\_\_

(name of prisoner)

to convey through any part of Canada, and him to deliver to the transportation company which brought him to Canada, with a view to his deportation to the port from which he came to Canada.

For which this shall be your sufficient warrant.

Dated at Ottawa this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Deputy Minister.

(Seal of the Department of Immigration and Colonization.)

## FORM F.

## BOND TO APPEAR FOR EXAMINATION.

Canada.

The Immigration Act, section 33.

CANADA: } In the matter of The Immigration  
Province of \_\_\_\_\_ } Act and of A.B.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year nineteen hundred and \_\_\_\_\_ A.B., formerly of [state place of domicile before coming to Canada], [occupation], a person seeking to enter or remain in Canada; and L.M. of [name of place], in the said province [occupation], and N.O. of the same place [occupation], personally came before me and acknowledged themselves to owe to our Sovereign Lord the King, his heirs and successors, the several sums following, that is to say:

The said A.B. the sum of \_\_\_\_\_ dollars, and the said L.M. and N.O. the sum of \_\_\_\_\_ dollars each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Sovereign Lord the King, his heirs and successors, if he, the said A. B. falls in the condition hereunder written.

Taken and acknowledged the day and year first above mentioned at \_\_\_\_\_ in the province aforesaid before me \_\_\_\_\_ [Justice of Peace, or Notary Public].

The condition of the above written obligation is such, that whereas the said A.B. is held in custody under authority of The Immigration Act for examination touching the right of the said A.B. to enter or remain in Canada; if, therefore, the said A.B. appears before the Board of Inquiry Lord the King, his heirs and successors, if he, the said A. B. falls in the condition hereunder written.

as such at the Immigration Station at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, and there surrenders himself into custody of an Immigration Officer and submits to examination under the said Act, and does not attempt to escape from such custody, then this obligation shall be void, otherwise to stand in full force and effect.

## P.O. 28.

WEDNESDAY, the 7th day of January, 1914.

The Governor General in Council is hereby pleased to rescind and revoke the Order in Council, dated 9th May, 1910 (P.C. No. 920), and the regulation thereby made and established.

The Governor General in Council, under the authority of section 38 of the Immigration Act, 9-10 Edward VII, chapter 27, is pleased to order as follows:—

From and after the date hereof the landing in Canada shall be and the same is hereby prohibited of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada.

## P.C. 919.

MONDAY, the 9th day of May, 1910.

Whereas by section 71 of the Immigration Act, 9 and 10 Edward VII, it is provided as follows:—

1. Every inn-keeper or boarding-house keeper in any city, town, village or place in Canada designated by any Order in Council, who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house, and printed upon his business cards, a list of the prices which will be charged to immigrants per day and per week for board and lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house, together with the name of the street in which it is situate, and its number in such street.

2. No such inn-keeper or boarding-house keeper shall have any lien on the effects of such immigrant for any amount claimed for such boarding or lodging for any sum exceeding five dollars.

And whereas it is considered expedient to bring this section into force in certain places, Therefore His Excellency in Council is pleased to designate and doth hereby designate, for the purpose of the said section 71, the cities of Ottawa and Toronto, in the province of Ontario; the cities of Quebec and Montreal, in the province of Quebec; the city of Halifax, in the province of Nova Scotia; the city of St. John, in the province of New Brunswick; the city of Winnipeg, in the province of Manitoba; and the cities of Vancouver, Victoria and Prince Rupert, in the province of British Columbia, as cities in which every keeper of a tavern, hotel or boarding-house therein who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall be subject to the requirements and the provisions of the said section.

## P.O. 269.

WEDNESDAY, the 15th day of February, 1911.

His Excellency in Council, in virtue of the provisions of section 81, of the Immigration Act, is pleased to order and it is hereby ordered as follows:—

1. It shall be the duty of transportation companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under the Immigration Act at every port of entry and border station designated by the Minister of Immigration and Colonization of Canada at which they carry on any business.

2. Any transportation company failing to comply with the foregoing regulations shall be liable to a penalty not exceeding one thousand dollars.

The Minister has designated the following ports of entry as places to which the above Order in Council shall apply:—

New Brunswick: Debec Junction, McAdam Junction, Edmundston, St. Stephen.

Quebec: Athelstan, Beebe Junction, Coaticook, Highwater, Stanhope, Megantic, St. Johns, Hall's Stream, Lacolle Village, Highway, D and H By.; Huntingdon, Hemmingford.

Ontario: Bridgeburg, Cornwall, Fort Erie, Fort Frances, Niagara Falls, Port Arthur, Prescott, Sarnia, Sault Ste. Marie, Toronto, Windsor, Kingston, Brock-

ville, Fort William, Rainy River, Walkerville, Crystal Beach, Erie Beach, Queenston, Cobourg.

Manitoba: Bannerman, Emerson, Gretna, Sprague.

Saskatchewan: North Portal, Northgate.

Alberta: Coutta.

British Columbia: Grand Forks, Huntingdon, Kingsgate, Newgate, Pacific Highway, Paterson, Waneta, White Rock.

P.C. 1204.

MONDAY, the 9th day of June, 1919.

Whereas owing to conditions prevailing as the result of war, a widespread feeling exists throughout Canada, and more particularly in Western Canada, that steps should be taken to prohibit the landing in Canada of immigrants deemed undesirable owing to their peculiar customs, habits, modes of living and methods of holding property and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry;

And whereas it appears that persons commonly known as Doukhobors are of the class described;

Therefore His Excellency the Governor General in Council is pleased, under the authority of section 38 of the Immigration Act, 9-10 Edward VII, chapter 27, as amended by 9-10 Geo. V, chapter 25, to make the following regulation, and the same is hereby made and established accordingly:—

From and after the date hereof and until otherwise ordered, the landing in Canada shall be and the same is hereby prohibited of any immigrant of the Doukhobor class.

P.C. 1202.

MONDAY, the 9th day of June, 1919.

His Excellency the Governor General in Council, on the recommendation of the Minister of Immigration and Colonization, having regard to the industrial and labour conditions in Canada, and under the authority of section 38 of the Immigration Act, 9-10 Edward VII, chapter 27, as amended by 9-10 George V, chapter 25, is pleased to make the following regulation, and the same is hereby made and established accordingly:—

From and after the date hereof and until otherwise ordered the landing in Canada at any port of entry in British Columbia hereinafter specified, of any immigrant of the following classes or occupations, viz., skilled and unskilled labour, is hereby prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this order shall apply:—

Vancouver,  
Victoria,  
New Westminster,  
Nanaimo,  
Prince Rupert,  
Port Simpson,  
Anox.

Comox,  
Ganges Harbour,  
Ladner,  
Ladysmith,  
Steveston,  
Chemainus,  
Powell River.

Stewart,  
Union Bay,  
Whales Island,  
Newport,  
Alberni,  
White Pass.

P.C. 115.

THURSDAY, the 22nd day of January, 1920.

His Excellency the Governor General in Council, on the recommendation of the Minister of Immigration and Colonization, and under and by virtue of the provisions of subsection "c" of section 38 of the Immigration Act, 9-10 Edward VII, is pleased to order, and it is hereby ordered, as follows, viz:—

From and after the date hereof and until otherwise ordered, landing at any port of entry in Nova Scotia, New Brunswick or Quebec, hereinafter specified, of any female immigrant unaccompanied by husband, father, mother or such other relative as the Superintendent of Emigration for Canada in London, England, may approve, is limited in number to such female immigrants as are in possession of a document known as a Sailing Permit, issued by the Superintendent of Emigration for Canada in London, England.

The following ports of entry are hereby designated as the ports of entry at which this Order shall apply:—

Halifax, N.S.; St. John, N.B.; Quebec, P.Q.; Montreal, P.Q.

P.O. 1493.

SATURDAY, the 30th day of April, 1920.

Whereas the Minister of Immigration and Colonization reports that in connection with the issue and renewal of Permits as provided for in section 4 of the Immigration Act, some expense and trouble is entailed.

Therefore His Excellency the Deputy Governor General in Council, on the recommendation of the Minister of Immigration and Colonization and under the general provisions of section 81 of the Immigration Act, is pleased to order that the following scale of charges shall be and the same are hereby put into effect forthwith:—

(a) For the issue or renewal of Permit for a period not exceeding twelve months in the case of any person mentally defective, a fee of \$25;

(b) For the issue or renewal of Permit in any case other than provided for in the next preceding paragraph, a fee of \$5 when the Permit or renewal covers a period of not more than six months, and a fee of \$10 when the Permit or renewal covers a period of more than six months, but not more than twelve months.

P.C. 182.

WEDNESDAY, the 31st day of January, 1923.

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Immigration and Colonization, is pleased to rescind the Order in Council of the 12th day of April, 1922 (P.C. 715), and the same is hereby rescinded as from and after the 15th February, 1923.

His Excellency the Governor General in Council, under the authority of sections 37 and 38 of the Immigration Act, 9-10 Edward VII, chapter 27, as amended by 9-10 George V, chapter 25, and having regard to the unemployment conditions now existing in Canada, is pleased to make the following regulation and the same is hereby made and established accordingly:—

From and after the 15th February, 1923, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited except as hereinafter provided:

The Immigration Officer in Charge may admit any immigrant who otherwise complies with the provisions of the Immigrant Act, if it is shown to his satisfaction that such immigrant is,—

(1) A bona fide agriculturist entering Canada to farm and has sufficient means to begin farming in Canada.

(2) A bona fide farm labourer entering Canada to follow that occupation and has reasonable assurance of employment.

(3) A female domestic servant entering Canada to follow that occupation and has reasonable assurance of employment.

(4) The wife or child under 18 years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

Provided every immigrant except those coming within paragraph (4) of this regulation shall possess in his own right as a condition to permission to land in Canada, the sum of \$250; and Provided further that this regulation shall not apply to the national of any country in regard to which there is in operation a special Treaty, or Agreement or Convention regulating immigration.

P.C. 183.

WEDNESDAY, the 31st day of January, 1923.

(As amended by P.C. 642 of the 11th day of April, 1923.)

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Immigration and Colonization, is pleased to rescind the Order in Council of the 9th day of May, 1922 (P.C. 717), and the same is hereby rescinded as from and after the 15th February, 1923;

His Excellency the Governor General in Council, under the authority of section 38 of the Immigration Act, 9-10 Edward VII, chapter 27, as amended by 9-10 George V, chapter 25, and having regard to unemployment conditions

now existing in Canada, is pleased to make the following regulation, and the same is hereby made and established accordingly:—

From and after the 15th February, 1923, and until otherwise ordered, the landing in Canada of immigrants of all classes and occupations, is hereby prohibited, except as hereinafter provided:

The Immigration Officer in Charge may notwithstanding the provisions of P.C. 23 of the 7th January, 1914, permit to land in Canada any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is—

(1) A bona fide agriculturist entering Canada to farm and has sufficient means to begin farming in Canada.

(2) A bona fide farm labourer entering Canada to follow that occupation and has reasonable assurance of employment.

(3) A female domestic servant entering Canada to follow that occupation and has reasonable assurance of employment.

(4) The wife or child under 18 years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

(5) Any United States citizen entering Canada from the United States who shall satisfy the Immigration Officer in Charge at the port of entry that he has sufficient means to maintain himself until employment is secured.

(6) Any British subject entering Canada directly or indirectly from Great Britain or Ireland, Newfoundland, the United States of America, New Zealand, Australia or the Union of South Africa, who shall satisfy the Immigration Officer in Charge at the port of entry that he has sufficient means to maintain himself until employment is secured: Provided, that the only persons admissible under the authority of this clause are British subjects by reason of birth or naturalization in Great Britain or Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa.

And Provided further that the provisions of this Order in Council shall not apply to immigrants of any Asiatic race.

P.C. 185.

WEDNESDAY, the 31st day of January, 1923.

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Immigration and Colonization, is pleased to rescind the Order in Council of the 12th May, 1922 (P.C. 1041), and the same is hereby rescinded as from the 15th February, 1923.

His Excellency the Governor General in Council, under the authority of section 37 of the Immigration Act, 9-10 Edward VII, chapter 27, as enacted by 11-12 George V, chapter 32, is pleased to make the following regulation and the same is hereby made and established accordingly:—

On and after the 15th February, 1923, it shall be necessary as a condition to permission to land in Canada, that every immigrant shall be in possession of a valid passport issued in and by the Government of the country of which such person is a subject or citizen, such passport to be presented within one year of the date of its issue; Provided:

1. That this regulation shall not apply to British subjects landing in Canada directly or indirectly from Great Britain or Ireland, Newfoundland, New Zealand, Australia, the Union of South Africa or the United States of America, nor shall it apply to United States citizens or to farmers, farm labourers or female domestic servants landing in Canada from the United States. The term, British subject, within the meaning of this clause, includes only persons born or naturalized in Great Britain or Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa.

2. That the passport of any alien immigrant sailing directly or indirectly from the continent of Europe, shall carry the visé of a Canadian Immigration Officer stationed on the continent of Europe.

3. That the passport of any alien immigrant not included in No. (2) of this regulation, shall carry the visé of a British Diplomatic or Consular Officer.

## IMMIGRATION RULES.

## RULE 1—PRIMARY INSPECTION.

1. *Examination:* Every immigrant, passenger, or other person, seeking to enter or land in Canada must be examined in accordance with the provisions of Section 23. There are three main divisions covered by the statute: (a) Immigrants (s.s. (g), Sec. 2); (b) Non-Immigrants (s.s. (g), Sec. 2); (c) Prohibited persons (Sec. 3). "Land," "landed" or "landing," as applied to passengers or immigrants means their lawful admission into Canada by an officer, otherwise than for a temporary purpose. "Entry" is a term applied to the admission of persons as "non-immigrants" or for other temporary purpose provided by the Act.

2. Every person seeking to land in Canada must satisfy the examining officer either by oral or documentary evidence that he can comply with the provisions of the Immigration Act, and every person seeking to enter Canada must satisfy the examining officer in the same manner that he is a non-immigrant as defined by Section 2, s.s. (g).

3. Every immigrant, passenger, or other person, as to whose right to enter or land the examining officer has any doubt should be detained for further examination by the Inspector-in-charge or by a Board of Inquiry (s.s. 4, Sec. 33).

4. Canadian citizens and persons who have Canadian domicile shall be permitted to enter or land in Canada as a matter of right, but in all such cases the burden of proof of such citizenship or domicile shall rest upon the applicant. The claims of a Canadian citizen or a person claiming Canadian domicile must be carefully inquired into and whenever possible referred to the Inspector-in-charge or to a Board of Inquiry, when there is any doubt in the mind of an examining officer. In the case of an applicant who does not claim to be a Canadian citizen or to have Canadian domicile, the examining officer shall prepare the record as shown by Form 30, and shall give an immediate decision, but if the evidence is deemed insufficient, the case may be referred to the Inspector-in-charge or to a Board of Inquiry.

5. *Postponement:* When it is necessary to treat an immigrant, passenger, or other person as prescribed by Sec. 34, the decision of the Inspector-in-charge may be postponed pending the final certificate of the medical examiner but such person shall not in the meantime be regarded as "landed" within the meaning of the Immigration Act (Sec. 35).

6. When a dependent member of a family is detained for treatment under Sec. 34, the head of the family or some one upon whom such person is dependent shall be kept with such person pending the outcome of the case (s.s. 3, Sec. 34). All other members of the family may be landed and allowed to proceed to destination provided ample security is given for cost of medical treatment, maintenance and transportation when such cost are properly chargeable to the immigrant and providing that the members of the family so landed are not likely to become a public charge.

## RULE 2—MANIFESTS.

1. All steamship manifest must be typewritten or printed in the English language (Sec. 40). For purpose of manifesting, passengers shall be regarded as falling into the following classes: First cabin, intermediate and third class.

2. *Stowaways:* Stowaways shall be manifest and produced for inspection in the same manner as other passengers and the fact that they were stowaways shall be shown on the manifest.

3. *When no Surgeon on Board:* The certificate (verified before a British Consul or other officer qualified to administer oaths) of a reputable surgeon located at port of embarkation or at the last port of call, in the form appearing on the reverse side of the manifest (or index book) shall be furnished in compliance with the requirements of Section 40, when no surgeon sails with a vessel bringing immigrants or other passengers.

4. *Changes on Manifest:* When a surgeon sails with a vessel and the manifest is verified by such surgeon before an immigration officer at the port of arrival, any change in the condition of the passenger or other person that has occurred or developed during the voyage shall be noted in the manifest before verification as provided in s.s. 1, Sec. 49.

5. *Health Report:* In addition to making notations on the manifest specified in paragraph 4, the ship's surgeon (or if no surgeon sails on the ship, the



master) shall furnish the immigration officer-in-charge at the port of entry with a full report concerning diseases, injuries, births, and deaths developing or occurring during the voyage (Sec. 26 and Sec. 49, s.s. 2).

6. *Cost of Transportation:* Transportation companies shall deliver to the immigration officer-in-charge at a port of entry, within two days after request therefor, the original transportation contracts of all rejected immigrants, passengers or other persons whose cases are covered by the provisions of Section 48, and such contracts shall show the exact amounts paid for transportation from the place in the country whence the passenger, immigrant or other person was brought, or from the country of his birth or citizenship, to inland point of destination in Canada.

#### RULE 3—EVIDENCE.

1. *Form 30:* At border ports, inspectors-in-charge and examining officers must obtain if possible and insert in said form all the information therein called for.

2. Officers should exercise great care when adducing testimony in the case of a person who claims to be a Canadian citizen or to have Canadian domicile. Domicile is lost by a person voluntarily residing out of Canada with the present intention of making his permanent home out of Canada. Evidence should, therefore, be adduced on the question of the intention or object which the applicant had in view when he left Canada. The examination should show:

(a) Whether the person was examined at the time of his departure from Canada, and if so where.

(b) If departure was to the United States what representations were made at the time of departure from Canada.

(c) Whether the applicant was visiting or earning his livelihood outside of Canada: if the latter, where and for how long.

(d) Whether he disposed of his home or business in Canada and whether he voluntarily left his employment or was discharged prior to his departure from Canada.

(e) What property, furniture, or other effects were left, sold or otherwise disposed of (1) in Canada or (2) in the United States or elsewhere.

(f) What circumstances induced the applicant to return to Canada.

3. It has been customary to insert in Form 30, as the cause of rejection, such letters and figures as "P.C. 23," etc., but this information alone is not sufficient to enable the Department to intelligently deal with an appeal. In the case of a person who is seeking entry for a temporary purpose, and who is rejected under P.C. 23, the examining officer should insert a brief statement in the space headed "Remarks" in Form 30 showing why such person was presumed to be an immigrant instead of a non-immigrant (Par. (g), Sec. 2).

4. In the case of every person admitted or rejected Form 30 must be examined by the officer-in-charge, who shall obtain an immediate explanation if the examining officer has neglected or omitted to obtain complete information or material evidence and such explanation shall be endorsed on the record and brought to the attention of the Travelling Inspector.

5. *Citizenship:* Presumption of loss of domicile may be rebutted by the documentary evidence prescribed by Section 2, Paragraph (d) III of the Immigration Act, but in all such cases evidence should be adduced as prescribed by Paragraphs 1 and 2 hereof.

#### RULE 4—APPEALS.

1. *Persons to Be Notified of Right of Appeal:* An appeal may be taken to the Minister against the decision of the Board of Inquiry or officer-in-charge except as provided by Section 18. Where an appeal may be taken, the immigrant passenger or other person shall be notified of his right thereto and the fact that he has been so informed shall be entered on Form 30, the minutes of the Board of Inquiry or other record.

2. *Filing Appeals:* Any person desiring to appeal may do so individually or through any relative, friend, advocate, barrister or solicitor. Where such an appeal has been taken any further appeal shall be disregarded. Appeals purporting to be filed on behalf of any immigrant passenger or other person, but without his knowledge or consent previously obtained, may be ignored.

3. *Time for Filing Appeals:* Appeals must be filed forthwith after rejection. The immigration officer-in-charge may refuse to accept an appeal filed after the immigrant passenger or other person has been removed from an immigrant

station for deportation provided that such person has had a reasonable opportunity to appeal before removal.

4. *Where No Appeal Lies:* There shall be no appeal in the case of a person seeking to land in Canada when the decision is based upon a certificate of the examining medical officer (Section 18).

5. *Forwarding Appeal:* The complete record shall be promptly forwarded to the Department with the views in writing of the immigration officer-in-charge. This must be done within 48 hours.

6. *Release under Bond or Approved Deposit:* Any person arrested and detained under the provisions of Sec. 33, s.s. 7, or Sec. 42, s.s. 1, or 4, may be released as provided by Sec. 33, s.s. 11, but this paragraph does not apply to a person seeking admission at a port of entry to Canada from the United States, except in the case of a person or organization belonging to the non-immigrant classes and admitted temporarily as provided by Sec. 33, s.s. 13.

7. *Deposit for Appeal:* Every person who appeals shall deposit with the immigration officer-in-charge the amount prescribed by Sec. 19, provided that at ports of entry on the International Boundary an appeal may be accepted without deposit if the appellant forthwith returns to the United States to await the decision.

8. *Maintenance Charges:* The cost of maintenance of any person after detention or rejection at an ocean port shall be paid by the transportation company except as follows:—

(1) If an appeal is entered and dismissed as a matter of law, the appellant shall pay the cost of maintenance from the time the appeal is filed with the Immigration Officer until such officer is advised of the Minister's decision.

(2) If an appeal is entered and sustained as a matter of law, the Department shall pay the cost of maintenance during the appeal.

9. *Reopening of Cases:* Whenever a case is referred back to a Board or officer-in-charge by the Department in order that additional evidence may be taken such case is thereby reopened. After the new evidence has been adduced the Board shall render a new decision in which it may in its discretion reaffirm, alter or reverse its previous decision. The mere action of referring back a case under such circumstances is not to be taken as an indication of any disapproval by the Department of the Board's decision or of what the new decision should be.

10. *Requests for Reopening:* Whenever, either before or after receipt of a decision from the Department sustaining or dismissing a decision, the local officer-in-charge is apprised of new material evidence of such relevancy as, in his opinion, would justify a re-consideration in the interest of the appellant or the Department, such officer may stay proceedings and make application to the Department for permission to reopen the case, at the same time briefly stating the general nature of any new evidence. This action should be taken by letter. If, however, the circumstances of the case justify telegraphic action, such telegram should state briefly the ground upon which the application is made. Upon receipt of the Department's permission to reopen, the Board of Inquiry or officer-in-charge again acquires full control of the case.

11. *Procedure:* The hearing in a case reopened before a Board of Inquiry shall be of the same nature and be subject to the same conditions, limitations and privileges as an original hearing before such body.

12. *Extension:* The immigration officer-in-charge may decline in his discretion to grant an extension of time within which to appeal or to delay deportation except on condition that there be deposited a sum of money sufficient to defray the cost of maintenance during the extension or delay granted.

13. *Re-Applying for Admission:* Any person rejected or deported only by reason of inability to comply with the money qualification may subsequently apply for entry and be admitted if complying with the law (s.s. 4, Sec. 42), but any person rejected and deported for any other cause is mandatorily excluded and must obtain the consent of the Minister to enter or land in Canada, provided that a person rejected under P.C. 23, that is, without proof of citizenship, may, upon production of such proof, be admitted without the consent of the Minister.

14. When an officer has occasion to submit a telegraphic report on an appeal the telegram should give a synopsis of the case, e.g.:—

"Tom Jones thirty machinist Russian healthy claims domicile Quebec sixth June twelve Sardinian exit Bridgeburg ninth May nineteen eighteen rejected because ---- (no evidence domicile) journey."

The above telegram would mean "Tom Jones is thirty years of age, a machinist, birthplace and citizenship Russia, that he is in good health, claims

Canadian domicile, arrived at Quebec 6th June 1912, ex ss. 'Sardinian,' and left Canada via Bridgeburg on the 9th May, 1918. After the word 'because' in the above telegram a short statement should be inserted giving cause for rejection, e.g., 'no evidence domicile.' The word 'journey' at the end of the telegram indicates that the passenger was unable to comply with the non-continuous Journey Order in Council. The word 'monetary' at the end of the telegram will indicate that the passenger was unable to comply with the money qualification. Both words inserted at the end of the telegram will show that the passenger was rejected because he was unable to comply with P.C. 23 and P.C. 182. If rejected as likely to become a public charge, Sec. 3 (f) should be inserted, or whatever section or paragraph applies to the case.

#### RULE 5—LITERACY TEST.

1. *Literacy Test:* All persons over 15 years of age who are physically capable of reading except as specified in s.s. (1), Sec. 3, shall be required to demonstrate their ability to read matter printed in plainly legible type and in the language or dialect designated by the person at the time of his examination.

2. *General Method:* When applying the reading test Immigration Officers shall use the printed and numbered slips supplied by the Department for that purpose and a record shall be made upon the manifest or board minutes showing both the class and serial numbers of the slip used in each case and the language or dialect designated by the person and actually used in the examination. The same slip shall not be used to test the literacy of consecutive passengers. If the examining inspector is unable to speak and understand the language or dialect in which the person is examined, the services of an interpreter may be used for interpreting into spoken English as read the printed matter read by such person, so that the examining inspector may compare such interpretation with the slip of corresponding serial number containing the English translation of the same reading matter.

3. *Special Method:* If qualified interpreters are not available for the application of the general method, or if by any reason it is not practicable to adopt the general method, immigration officers shall use specially printed and numbered slips supplied by the Department, the sentences appearing upon which are instructions to the persons to do several simple acts. The person's response or failure to respond properly and in proper order to the special method will constitute a demonstration of whether or not he is able to read the prescribed number of words printed upon the slip provided for the special method.

4. *Exemptions:* The operation of the literacy test shall not apply to—

- (1) Persons under 15 years of age.
- (2) Persons over 15 years of age who are physically incapable of reading (e.g., blind or dumb).
- (3) Father or grandfather over fifty-five years of age, wife, mother, grandmother, unmarried or widowed daughter (if otherwise admissible), of any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada.
- (4) Canadian citizens and persons who have Canadian domicile.
- (5) Persons in transit through Canada.
- (6) Such persons or classes of persons as may from time to time be approved by the Minister.
- (7) Immigrants landed in Canada who later go in transit through, or for a temporary purpose to, foreign contiguous territory. The period an immigrant may remain in foreign contiguous territory and return to Canada, without complying with the literacy test, shall be limited to 60 days.

#### RULE 6—PASSPORTS.

1. The Passport shall be stamped by the examining officer who admits the immigrant, passenger or other person, the stamp showing the name of port and date of entry. Passports held by persons entered at United States ocean ports but not there examined by Canadian officers shall be stamped by the examining officer on the International Boundary.

2. The Passport of a person rejected shall also be stamped by the examining officer and the stamp shall show the date and port and the cause of rejection, such cause to be indicated by reference to Section or Order in Council (e.g., P.C. 23, or s.s. (d) Sec. 3).

## RULE 7.—CANADIAN-BOUND PASSENGERS ARRIVING AT U. S. PORTS.

1. *Manifests:* All transportation companies, masters, owners, or agents of vessels bringing to U.S. ports immigrants, passengers or other persons bound for Canada shall furnish the Canadian immigration officer, if any, at such port with a complete manifest of all persons destined to Canada; manifests to be such as are now required by law of vessels bringing immigrants, passengers, or other persons to Canadian ocean ports.

2. Third class or steerage passengers whose names appear upon steamship manifests as bound for Canada via Portland, Me., Boston, Mass., New York and San Francisco, shall be examined at such ports and if admitted each immigrant shall be furnished with a card, officially stamped and initialed by the Canadian Immigration Officers at the ports mentioned. This card will entitle the person named thereon to enter Canada without examination on the International Boundary except for the purpose of identification. A border inspector should not summarily refuse admission to a person in possession of a card properly stamped and initialed but where circumstances require it the inspector may detain the person pending verification.

3. If a third class or steerage passenger appears at the border without an inspection card or with a card not properly stamped or initialed it may be fairly concluded that (a) such person was refused admission to Canada by the Canadian Immigration Inspector at a port mentioned in the preceding paragraph but subsequently admitted to the United States; or (b) that such person evaded inspection by Canadian Immigration Inspectors at ports mentioned but applied for admission only to the United States, expecting to subsequently secure entry to Canada at a border port.

4. When the immigrant whose name appears on one of these cards has been admitted at the boundary the card should be stamped by the border inspector to avoid the possibility of trafficking in such cards.

5. First and second cabin passengers may apply to the Canadian Immigration Inspector at Boston, Portland, New York, and San Francisco for admission to Canada, and if their ship's card is properly stamped and signed they will be admitted at the port of entry on the International Boundary without examination. Provided that in the case of a person arriving at a United States Atlantic port the ship card is presented within three days—from the date stamped thereon—in the Eastern District, five days in the Western District and seven days in the Pacific District, and in the case of a person arriving at a United States Pacific port the ship card is presented within three days in the Pacific District, five days in the Western District, and seven days in the Eastern District, but if the passenger described is not examined at the United States ocean port, or if he does not present his ship's card within the period mentioned, he will be examined by the Canadian Immigration Inspector at the border port of entry.

## RULE 8.—PASSENGERS IN TRANSIT AND TOURISTS AND TRAVELLERS ENTERING AS NON-IMMIGRANTS.

Every person seeking entry to Canada for any purpose must be examined by an Immigration Officer.

1. Persons belonging to any of the classes described in Sec. 3 of the Act and who are proceeding directly through Canada may be dealt with as follows:

(a) Classes described in s.s. (a) shall be allowed transit privileges only if accompanied by responsible escort.

(b) Classes described in s.s. c, d, f, g, h, i, j, k, l, and m may be allowed transit privileges with or without the deposit of money in the discretion of the Immigration Officer (s.s. 13, Sec. 33).

(c) Classes described in b, n, o, q, r, and s should not be granted transit privileges.

2. Persons entering Canada for a temporary purpose, but not necessarily proceeding directly through Canada may be dealt with as follows:

(a) Persons belonging to the non-immigrant classes described in Sec. 2, Paragraph (g), (i), (ii), (iii) and (vii) may be admitted temporarily upon production of oral or documentary evidence satisfactory to the Officer-in-charge.

(b) Tourists and travellers may be temporarily admitted upon production of oral or documentary evidence satisfactory to the Officer-in-charge, and with or without cash deposit in the discretion of such officer.

(c) Students entering to attend a university or college authorized by statute to confer degrees may be admitted upon production of evidence satisfactory to the examining inspector. Students entering to attend a high school or collegiate institute may be admitted only if the Minister recognizes such institution for the purpose of the Act.

(d) Persons or organizations described in the first clause of subparagraph (vi) may be admitted temporarily with or without cash deposit in the discretion of the Officer-in-charge (s.s. 13, Sec. 33) and with or without being manifested as the Department may from time to time require.

#### RULE 9—ADMINISTRATIVE FINES.

The term "administrative fines" is used to indicate the sums of money which may be collected by an Immigration Officer-in-charge at an ocean port of entry as provided by Sections 48 and 52.

1. *Medical Certificate:* Whenever an immigrant or seaman is found to be afflicted with any of the diseases or disabilities mentioned in Sections 48 and 52, and in the judgment of the medical examiner such disease or disability existed at the time of embarkation and might have been detected by means of a competent medical examination at such time, he shall so certify.

2. *Notice:* (a) Upon receipt of the certificate described in paragraph (1) hereof in cases of immigrants afflicted with any of the physical or mental afflictions or defects mentioned in Sections 48 and 52, or

(b) Upon becoming satisfied that there has been a refusal or failure to deliver accurate and full manifests, statements or information regarding seamen brought into or carried out of Canada in violation of Section 52.

(c) Whenever there has been any refusal or failure by the master, agent, owner or consignee of the vessel to defray any of the expenses specified in Sections 48 and 52.

(d) Upon becoming satisfied that there has been a failure of the transportation company, owner, consignee, or master of any vessel to furnish a list of arriving, illegally landing, departing, discharged, deserted, or landed seamen required by Section 52: the Inspector-in-charge shall serve promptly upon the master, agent, owner, or consignee of the vessel, or other responsible person, a notice to the effect that the ascertained facts indicate that a fine should be imposed under the section of the law involved in the particular case: that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter; and that in the meantime the vessel on which the person arrived will be granted clearance papers upon condition that he deposit with the Inspector-in-charge, prior to the time of sailing, a sum equal to the fine specified in the said notice, such sum to be held as security for the payment of the fine in the event it should be imposed and in cases arising under Section 48, a sum equal to that paid by the person concerned for his transportation to Canada from the initial point of departure, such latter sum to be held by the Inspector-in-charge in a special deposit and to be delivered to the person when deported, through the Immigration Officer-in-charge at the port.

3. *Service of Notice:* Such notice shall be prepared in triplicate. The original shall be served on the transportation company, master, agent, owner, or consignee of the vessel either by

(a) delivering it to him in person, or

(b) leaving it at his office, or, whenever the Immigration Officer-in-charge finds either of these methods of service impracticable,

(c) mailing it to him.

When service is made by delivery it shall be admitted in writing upon the duplicate and triplicate and the admission witnessed by the server. If admission be refused or in case of service by either of the other methods, the server shall note the method and date of service on the duplicate and triplicate. The duplicate shall then be retained by the Immigration Officer-in-charge. The triplicate shall be mailed to the Commissioner of Immigration for transmission to the Department.

4. *Evidence and Report:* If the deposit be made, further proceedings shall be suspended during said period of 60 days or until earlier submission of evidence to show why the fine should not be imposed. The Immigration Officer-in-charge shall then submit a report embodying his views on whatever evidence may have been submitted as to whether the fine should be imposed, and should

attach to his report the evidence which may have been submitted, the medical certificate, the duplicate notice and the data or evidence on which the notice was based. If within 60 days no evidence has been submitted, or as soon as it is known that the fine will not be contested, the Officer-in-charge shall report the facts to the Commissioner of Immigration, who shall transmit the record to the Department.

**5. Remission or Mitigation of Fine:** The fine prescribed by Section 52 for bringing to Canadian ports as employees of vessels, seamen or other employees afflicted with idiocy, feeble-mindedness, imbecility, insanity, epilepsy, or with any loathsome disease or with any disease which is contagious or infectious or which may become dangerous to the public health will be mitigated or remitted by the Department only upon clear and convincing proof to the effect that the imposition of the full penalty or of any part thereof would be unjust or inequitable under the circumstances of the particular case, including the submission of satisfactory evidence that the seamen were subjected to a competent medical examination before being signed up as members of the crew.

**6. Action on Decisions:** If the fine is imposed, the amount retained as security shall be deposited and accounted for by the Inspector-in-charge. If the fine is not imposed he shall make a refund of the amount so collected.

#### RULE 10—REJECTIONS AND DEPORTATION.

"Rejection" is a term applied to the exclusion by an Immigration Officer of a person seeking to enter or land in Canada.

"Deportation" is a term applied to the removal under the authority of the Act of a person (a) who has been rejected at port of entry (s.s. (q), Sec. 2), or (b) after such person has entered Canada (s.s. (r), Sec. 2). Deportation of a person who has entered Canada must be brought about on one or other of three general grounds (a) because such person belonged to a prohibited class at the time of entry, (b) because of something connected with the entry (s.s. 7, Sec. 33), or (c) for some cause arising subsequent to entry (s.s. 10, Sec. 33, Secs. 40, 41 and 42). In every inquiry the examining officer should be careful to adduce evidence showing clearly under which of the above divisions deportation is being ordered.

**(1) Causes:** The causes for deportation are prescribed by Sections 3, 33, 40, 41, and the Orders in Council, made under the authority of Sections 37 and 38.

**2. Illegal Entry:** Any officer may take summary action under s.s. 7, Sec. 33. In the case of any person who comes within the scope of that section. Such person has the right of appeal from the decision of the Board of Inquiry or Officer-in-charge (except as provided by Section 18), and the appeal shall be made as provided by Section 19, except that the deposit of \$20 is not required when the appellant remains outside of Canada. If the person so arrested and examined is admitted, the Inspector-in-charge shall forward a report of the circumstances of the case.

**3. Causes Subsequent to Entry:** No person against whom a complaint is made in accordance with the provisions of Sections 40 and 41 may be arrested for examination and investigation except by written order of the Minister. The arrest may be made by any officer but the examination and investigation of the facts shall be made only by a Board of Inquiry or officer acting as such. When a complaint is made against any person who resides at a port of entry, the examination and investigation shall be made by a Board of Inquiry or officer acting as such, at such port. When a complaint is made against any person who is not located at a port of entry, the examination and investigation of the facts shall be made by an officer who has authority to exercise the powers and discharge the duties of a Board of Inquiry at any place in Canada other than a port of entry.

**4.** When the person against whom a complaint is made is an inmate of a penitentiary, gaol, reformatory or prison the procedure for detention is prescribed by Section 43.

**5. Deportation Warrant:** Upon the receipt of the record and the report of the Board of Inquiry or officer acting as such, the Deputy Minister shall issue the warrant prescribed by Section 43 unless an appeal is taken to the Minister, but if the appeal is dismissed the warrant of the Deputy Minister shall then be issued as prescribed by Section 43.

**6.** An order for detention may also be issued by any Board of Inquiry or officer acting as such under the provisions of Section 11.

7. The Board of Inquiry or officer acting as such shall follow the procedure prescribed by Sections 13 to 24, both inclusive.

8. Pending the final disposition of the case of any person detained or taken into custody for any cause, such person may be released under satisfactory bond or deposit of money to any amount approved by an officer-in-charge.

#### RULE 11—ARRESTS.

Arrests may be made on two general grounds:

(a) Arrest may be made without a warrant by any Immigration Officer for a suspected offence connected with entry (s.s. 7, Sec. 33, and s.s. 4, Sec. 42).

(b) Arrest in all other cases must be made by order of the Minister (s.s. 1, Sec. 42).

#### RULE 12—HOSPITAL TREATMENT.

1. A passenger or other person who is suffering from sickness or physical or mental disability and who has been rejected or detained at an ocean port may be afforded medical treatment as prescribed by Sec. 34.

2. No immigrant shall be treated for any of the diseases specified in Sec. 3, s.s. (b) unless the medical examiner is satisfied that such immigrant was free from the disease when leaving his point of origin to commence the journey to Canada; that the disease was contracted or developed during the journey and that it can be completely and permanently cured within a reasonably short space of time.

3. *Cost of Treatment:* Section 34 provides for treatment of a passenger or other person who is rejected or detained for any purpose under the provisions of the Immigration Act and who is suffering from (a) sickness or (b) physical or mental disability. Rejection or detention for any statutory cause implies that the transportation company failed to exercise proper vigilance in bringing such person to Canada and the expenditure on account of treatment and maintenance shall be paid by the transportation company. If the passenger or other person is not rejected or detained for any statutory cause, then the cost of treatment and maintenance shall be charged to the passenger, and if impossible to collect the full amount from the passenger the balance shall be paid by the Department of Immigration and Colonization.

4. Before consenting to treatment the Immigration Officer-in-charge shall require an ample deposit or satisfactory security to cover whatever expenditure upon treatment and maintenance and attendants.

5. Pending the departure of a vessel any person employed on such vessel who is afflicted with any of the diseases specified in s.s. 4, Sec. 52, shall be detained and treated in accordance with the provisions of the said section.

#### RULE 13—ADMINISTRATIVE DISTRICTS.

For convenience in enforcing the Immigration Laws, the territory within which Immigration Officers are located is divided into districts under the jurisdiction of Commissioners of Immigration with headquarters as follows:—

District.	Location.	Extent of District.
Eastern.....	Ottawa, Ontario.....	The Maritime Provinces, Quebec and that part of the Province of Ontario lying east of longitude 87 west. The Commissioner for the Eastern District has jurisdiction over all officers of the Department who inspect Canadian-bound passengers arriving at ports of entry on the Atlantic Seaboard in the United States.
Western.....	Winnipeg, Manitoba.....	That part of the Province of Ontario lying west of longitude 87 west, all of the Provinces of Manitoba, Saskatchewan and Alberta and that part of the Province of British Columbia lying east of longitude 116-15 west, and the Northwest Territories.
Pacific.....	Vancouver, B. C.....	That part of the Province of British Columbia lying west of longitude 116-15 west and the Yukon Territory. The Commissioner for the Pacific District has jurisdiction over all officers of the Department who inspect Canadian-bound passengers arriving at ports of entry on the Pacific Seaboard in the United States.

**STATEMENT OF MR. BYRON H. UHL, ASSISTANT COMMISSIONER OF IMMIGRATION, ELLIS ISLAND, N. Y.**

**The CHAIRMAN.** Your position is what?

**Mr. UHL.** I am first assistant commissioner of immigration at Ellis Island.

**The CHAIRMAN.** You have been there how long?

**Mr. UHL.** Thirty-one years last August.

**The CHAIRMAN.** How long have you been assistant commissioner?

**Mr. UHL.** Fourteen years.

**The CHAIRMAN.** You have had a great deal of experience with the new laws?

**Mr. UHL.** Yes, sir.

**The CHAIRMAN.** I do not know that the committee cares for a detailed statement of the quota law, but I understand from one of the witnesses that you can make reference to the alien seamen provisions of the law.

**Mr. UHL.** Mr. Chairman, the act contains certain provisions whereby permits to land or certificates are to be issued to seamen, on page 25, section 19, which provides for the so-called seamen's certificate card. We had a seamen's card in operation for some years, which was a war time provision. It was only justified at that time and accomplished some good results, but after the termination of the war it was a great deal of additional work for the examining inspectors and served no useful purpose, as far as we could ever learn. The proposed certificate will be found worse than the so-called seamen's card. In the last analysis I do not see that it will help to prevent the landing of persons who are not bona fide seamen coming here and gaining admission, or deserting from vessels and being discharged, and it makes additional labor for the inspection force and clerical labor in keeping track of certificates, and in the last analysis you will get no results. I have consulted with men who are directly concerned in crew inspection, who make inspections now required by law as to arriving seamen. We get practically no results at present.

**The CHAIRMAN.** How many alien seamen do you examine during the course of a year?

**Mr. UHL.** Arriving at the port of New York, approximately, 500,000 in a year. In that respect I think it well to bear in mind that of this 500,000 a great many of them come and go continually and are counted every time they come in. There are not 500,000 seamen a year coming in.

**Mr. Box.** It requires that many individual examinations?

**Mr. UHL.** It requires those examinations, yes.

**Mr. Box.** It requires it now?

**Mr. UHL.** Yes.

**The CHAIRMAN.** Do you mean to say that the inspectors make physical examination?

**Mr. UHL.** Physical examination is given by doctors but it is not what it should be.

**The CHAIRMAN.** Of alien seamen on regular trips at ports?

**Mr. UHL.** Yes.

**The CHAIRMAN.** What kind of an examination does the inspector make?



Mr. UHL. They ask them their names and check up the crew list. The CHAIRMAN. On each arrival of a regular ship?

Mr. UHL. Yes.

The CHAIRMAN. And you think anything going beyond that, in the way of a landing card, as a positive means of identification, would be unnecessary?

Mr. UHL. No, sir; I do not say that. I think a real examination is perhaps justified, but this card certainly will not accomplish it. You will have a great deal more work with no more results than you have right now.

The CHAIRMAN. Go into detail about that a little bit.

Mr. UHL. At the present time, and it is not repealed by this proposed new law, the ships are required to furnish a crew list. It gives very little information except the alien's name, the position he occupies aboard the ship, the nationality and a few more minor details, and a place for a record by the master of the vessel as to whether he is going to discharge that seaman.

The seamen are given certain rights under the so-called "Seaman's Law," of shore leave. It is considered a right. The bona fide seamen, dissatisfied, will desert or be discharged. He will in due time go out on some other ship. What ship that may be, we have no means of knowing; there is no check-out at the present time; there is no authority of law justifying a check-out at the present time: We have endeavored to do that from time to time, simply bluffed it through. In fact a great part of our efforts to enforce the Seaman's Act has been bluff.

Mr. Box. Do you not get a report of those who have deserted before the master leaves?

Mr. UHL. We do; that is, we get a report, but whether it is complete or not we have no means of knowing; we have no means of knowing whether that man will go out next week or will stay permanently.

Mr. Box. And if they have deserted, you have no means of knowing whether they are in Canada, New York, Chicago, or Texas?

Mr. UHL. Correct. If he has been passed by the doctor—and it is more or less a casual observation—unless there is some outward indication of a defect or disease, he is permitted to go ashore and he does as he pleases. He may come back to the ship or he may not. We get a report, Judge Box, with reference to the desertions or discharges and also of the ones signed on in this country. Whether that is complete or not we do not know; there is no check-out. This will not help the situation one particle to my mind.

Now, it has been suggested—it is not my suggestion, but it is made by men who have had considerable experience in examining seamen—that if the bona fide seamen had a so-called seamen's book, issued by the country of which they are natives or the country under whose flag they operate, embodying, as in the case of the British, and I think, also, the Italians, a record of every trip they have taken, that you could, without much difficulty, identify them as bona fide seamen, and then you could examine the other members of the crew in the same manner and you would know whether they were aliens seeking admission to the United States, irrespective of whether that man might follow the calling of a seaman or not, either foreign or coast-wise.

The CHAIRMAN. Do some of the nations require the seamen to have a book of that kind?

Mr. UHL. I do not know whether it is a legal requirement, but the British seamen are provided with such a seamen's book, and, as I say, I think the Italians are also. Whether it is gratuitous on the part of the country or a legal requirement I can not say. It has been pointed out that with such a book as that you could readily identify your man who has gone back and forth for months, perhaps years, and the fellow who had no entry on his book of a previous voyage should be very carefully examined and in the same manner as any other alien, and, if there were any question as to his eligibility to land, he should be detained on board the ship. In other words, you could let your professional seamen be accorded every privilege accorded them under international law, treaties, or whatever it may be, and the fellow who is coming here for the first time, who has worked his way or intends smuggling into the country in violation of the immigration law, you would hold right on that same ship. Whether or not that is possible under your seamen's act, I can not say; but it is the one suggestion that has come to my knowledge that seems to be workable and which would probably prevent this smuggling in under the guise of being seamen.

Mr. RAKER. What is your suggested remedy to cure the now existing evil relative to the landing of seamen without medical and other examinations?

Mr. UHL. Well, Judge Raker, it seems to be a rather prevalent idea that seamen are prone to be afflicted with certain kinds of diseases, and I understand that our Public Health Service has refrained from resorting to a physical examination, which would positively determine whether there was the existence of these diseases or not by reason of the complications with friendly nations which might result. When we start to examine seamen, it includes the captain and everybody on the crew list, and when we start in examining the masters of some of these British vessels, for instance, and go on down the list to the lowest pantryman, there would probably be considerable protest through our State Department. That is the only reason I have heard anywhere of why that should not be done.

Mr. RAKER. You read the report last year of the Secretary of Labor, where he showed there were thousands of seamen landing who are afflicted with dangerous, contagious, diseases, for want of proper examination. Now, surely, that ought not to be permitted to continue?

Mr. UHL. If that condition prevails, certainly it should not be permitted. I think perhaps that is somewhat overstressed.

Mr. RAKER. I was just referring to the report. I think if you will read the last report of the Secretary of Labor you will find it very illuminating. It was printed in the hearings last year.

Mr. UHL. That seems to be the general impression. As to the freighters and smaller vessels, there has been a rather intensive examination made by the medical examiners. We caught very few cases of loathsome, dangerous, contagious diseases.

Mr. RAKER. I do not quite get your viewpoint, that nations would complain. During the war and following it every man who left the United States, irrespective of what his position, had to pass

through a physical examination before he could embark. Now, why should not the seaman be likewise physically examined?

Mr. UHL. So far as we are concerned, I think he should.

Mr. RAKER. We made no complaint of our nationals being physically examined during the war and following it, when they went abroad before they would even be permitted to sail.

Mr. UHL. I do not know about that, Judge; I did not know that was required.

Mr. VINCENT. I think, in fairness, there should be included in that the statement that was done by our own authorities absolutely, and not by any foreign authorities; but that our own authorities, when we arrived in France and when we left there, we were physically examined over and over and over again, and when we got to this country we were examined again. Everybody seemed to be suspicious of us.

Mr. RAKER. When we were examined, I do not see where the objection could come to an examination of the seamen, to know they were not diseased, before they land; is not that right?

Mr. UHL. I think so; yes.

Mr. RAKER. Where is there any law, or anything, that would lead any one to complain?

Mr. UHL. I am stating what is the only reason I have heard advanced for not making a very intensive examination of the seamen.

Mr. RAKER. The objection ought to be overcome, because of the importance of the question involved, should it not?

Mr. UHL. I think so, personally, yes; but, very frankly, I do not think there is nearly the number of desertions as the public has been given to understand. You know, there is no way of accounting for those men and they simply give you figures of desertions as reported to us. There is no check-out; you do not know how quickly those very same deserters have gone out on some other vessel and have no record of the deserters remaining in the United States, which is much less, I think, than we have been given to understand.

Mr. SABATH. About what figure? Can you give the committee an approximate figure?

Mr. UHL. I could only give that based on this information which I have. I am told that approximately 97 per cent of the seamen arriving at the port of New York are, to the best of the knowledge of the examining inspectors, bona fide seamen; they continue their calling. That would leave a percentage of 3 who might not reembark.

Mr. BACON. That would be 15,000 a year then?

Mr. SABATH. That does not say they would not reembark?

Mr. UHL. No.

Mr. SABATH. That is, 97 per cent is the figure given for the regular seamen?

Mr. UHL. Coming and going.

Mr. SABATH. And only 3 per cent are not figured as regular seamen; but that does not say that they do not reembark.

Mr. UHL. No; and even of that 3 per cent, there is nothing to show that two out of this 3 per cent have not gone out again, or even more than that.

Mr. RAKER. How does it happen—I won't be bound by the figures, exactly, but my recollection is it was stated to the committee by one of the department officials, sometime last January or February, there

were about 5,000 Chinese alone who were landed as seamen at the port of New York and they were there and the department was unable to deport them because it did not have the money?

Mr. UHL. That 5,000 must have covered a period of years.

Mr. RAKER. They were alleged to be there in New York.

Mr. UHL. Yes, in New York. I do not think they all deserted in one year; it must have covered a period of years.

The CHAIRMAN. That was three or four years ago, following the general tie-up after the armistice.

Mr. RAKER. No, that was in January or February, when one of the officials of the department appeared, and his testimony is here. I do not remember the exact number, but I think it was 5,000 of one class alone.

Mr. UHL. I do not know what period the desertions covered, but I do not believe there is any such number in any one year. Our figures would include Chinamen, such figures as we have there at the island, and for the year ended June 30, 1923, there were reported to us 14,734 desertions.

Mr. SABATH. For what year?

Mr. UHL. For the year ended June 30, 1923.

Mr. RAKER. What became of those?

Mr. UHL. It is hard to tell, sir. Some of them may have gone out the next week, or they all may be here in the country now; we do not know.

Mr. RAKER. If you had the kind of landing cards provided in this proposed legislation, with the surrendering of the card upon his sailing, there would be a complete check, would there not?

Mr. UHL. But, if he did not sail?

Mr. RAKER. Well, of those that sailed. I am figuring on answering your question as to those that sailed. That would show those that did not sail to be still in the United States?

Mr. UHL. Yes.

Mr. RAKER. So that we would have a pretty complete check?

Mr. UHL. Yes; but, in the last analysis, what good would it do, except you have more figures.

Mr. RAKER. Well, in a year or a year and a half, we would have quite some evidence of the number that were not following their calling as seamen, would we not?

Mr. UHL. Correct.

Mr. RAKER. That is the very purpose of that provision.

Mr. UHL. But you do not accomplish anything toward keeping your ineligible out; he is here.

Mr. RAKER. Yes; but if he starts in any other profession, you have his record; you have a record he did not sail and, if you find him, you can deport him, because he has changed his status.

Mr. UHL. You can do that, Judge, in my opinion, if he has not any card at all, if you find him; but it would make it no more easier to find him, if he had a card, than if he did not.

Mr. RAKER. Is it your view a large number can stay without any protection to the Government at all?

Mr. UHL. That may be the situation, but I do not think this card helps it.

Mr. RAKER. He has his picture on it, has his thumb print on it; you have a record he is the same one.

Mr. UHL. Correct.

Mr. RAKER. And, if he sails, he has to surrender that, and you have a record of him so that you will know how many come in, how many leave, and the number remaining?

Mr. UHL. Yes.

Mr. RAKER. It seems to me that would give you some pretty good idea of the number that do not sail.

Mr. UHL. That is all you would have.

Mr. McREYNOLDS. You would not know they were here.

Mr. HOLADAY. In what better shape would you be?

Mr. RAKER. They have no record now, and under this legislation they would have something to go on.

Mr. HOLADAY. But his point is what benefit would it be. We know now there are 14,000. If we had the cards, we may learn that 8,000 out of those 14,000 have gone back and we may have 6,000 left, but they are gone and we do not know where they are.

Mr. UHL. That is my contention. You have the card, but the situation is just the same and we have a devil of a lot of additional work with no results.

Mr. SABATH. What are your recommendations? You have been in the service for 30 years, and I know you know about everything there is to be known about the service. What is your recommendation as to the number that would be left and how to handle them, and how to control them?

Mr. UHL. You have asked the very question that I anticipated and said would be asked, that if this card was not demanded you would ask, "What would you suggest in its stead?" Very frankly, I have not anything to suggest; I do not know.

Mr. SABATH. You say two or three of the foreign governments do provide these cards for their seamen, Great Britain, Italy, and France?

Mr. UHL. I have heard only the two mentioned directly. The seamen's book will not prevent your desertion unless the suggestion I have already made be followed out and enacted into law, that an alleged seaman coming here, with such a document as that, and showing no previous experience at sea shall, at the discretion of the examining inspector, be held aboard that ship and go out with it.

Mr. RAKER. Let me give an illustration of this record and see if it does not amount to something. A man comes to the United States and lands as a seaman. Inside of six months or a year, he goes out some place and commences to work. He is apprehended. You have to prove that he is the same man?

Mr. BOX. You have got to find him.

Mr. RAKER. No; you have found him, and now you have to prove he is the same man who landed as a seaman.

Mr. UHL. Yes.

Mr. RAKER. And he may bring in 10 or 15 witnesses to show that he has always been there and did not come over on that ship at all; whereas, as a matter of fact, he is the man. Now, if you can bring the picture of the man, with his thumb print on it, you have made your case right there without any extra evidence at all; is not that right?

Mr. UHL. That is correct.

Mr. RAKER. And we have met with that in this Chinese exclusion law. They bring in Sam, Sing, or whoever it may be, to testify

they have been there for always; but when you bring in his picture and thumb print, you have made it very easy to establish your case and to eliminate trouble. So that, if it does that, you have eliminated this long trial and controversial questions as to whether or not he is the man who landed.

Mr. UHL. That would do very well in the isolated case you have suggested.

Mr. RAKER. Is it not a fact that the great trouble you have now is not in deporting them, but to prove he is the man who came over, when he has been detected?

Mr. UHL. At times, but not very often. We encounter that sometimes in reference to these Hindus.

Mr. Box. Where is the main difficulty, if it is not in proving that? You say the main difficulty is not in proving he is the seaman illegally in the country, and you evidently have in mind that it is somewhere else. Now, where is the difficulty?

Mr. UHL. In our lack of appropriation to deport him, after we have identified him as the man who came in, and sending him clear back to India or China, or wherever it is. We have not the money to pay his fare.

Mr. Box. Is not the great difficulty in apprehending him in the first instance?

Mr. UHL. No. I do not think so. There are Hindus in certain parts of New Jersey, up in Lackawana, N. Y., and certain other places; it is more or less a matter of general knowledge that there are Hindus there who have deserted from ships, and we have from time to time made an attempt at rounding them up. Not long ago, over 100 Chinamen at a plant in Brooklyn were brought over to the island there. We went through the usual hearings and there was not any difficulty whatever in identifying them as being deserting seamen. As a matter of fact, most of them admitted when they came and how they came. But when it came to deporting them, we were broke and we had to inveigle those men into shipping out as crewmen on some other vessel, in order to get them out of the country.

Mr. Box. So the trouble is not in finding this 14,000—

Mr. UHL. If we had the money to deport them, we could go out and round them up and deport a good many more than we do find now.

Mr. Box. It is suggested, where a steamship company brings a crew of nationals, other than their own, not admissible as immigrants, into the United States, that upon their arrival in the harbor the vessel shall be boarded and the crew inspected and that all aliens not belonging to the nationality of the vessel and not admissible as immigrants into the United States be taken into custody and immediately deported. Do I state that proposition correctly?

Mr. RAKER. I think so.

Mr. Box. Is that practicable? Can it be done? We want light on its workability.

Mr. UHL. By the various vessels that brought them in?

Mr. Box. No; by another vessel; by a different vessel. Now, you understand what the question is?

Mr. UHL. Yes; I think so.

Mr. Box. Just in order to start you discussing it, I will tell you one of the difficulties that arose in my mind in connection with it. I do not know whether it is one or not. It appeared to me if you suffer now for lack of funds, for lack of force, to deport these men whom you know to be in the country, that if a Japanese vessel arrived at San Francisco with 100 inadmissible Chinese, you would have very great difficulty in deporting all that force and it would greatly increase the embarrassment you now suffer there, would it not?

Mr. UHL. It would unless you made it compulsory upon the company who brought them to take them back, at their own expense.

Mr. Box. That is a part of the suggestion; that is fair. It is proposed that that be done at the expense of the company bringing them here. Now, how far would that complicate commerce and excite complaint from friendly countries, in your judgment?

Mr. UHL. Frankly, I do not believe I am in a position to say to what extent it would create complications of that sort. It undoubtedly would create some complications, but I do not think they would be extensive.

Mr. Box. I would like to have and I am sure the committee would like to have you discuss that, if you have thought about it. I think it is fair to say it is presented here, among others, by representatives of the Seamen's Union, who are very much interested in the subject, and we want to know whether it would hold water or not.

Mr. UHL. I do not think that goes any further, perhaps not as far, as the suggestion I made about holding them on board the vessel and sending them back. That would be the easier remedy, to my mind.

Mr. Box. To hold them on board; not to permit them to land at all?

Mr. UHL. Yes, sir; not to permit them to land at all.

Mr. Box. But you understand these seamen say that means the enslavement of the seamen?

Mr. UHL. So I understand; but still they are opposed to certain nationalities being employed as seamen and coming into American ports, and while I can see the International Seamen's Union might have some complaint to make on that score, the ordinary detention in port would not be for longer than two weeks, or perhaps a little longer in some instances; and if you wanted to overcome that, you could give them shore leave, under a very sufficient bond, for a temporary period ashore.

Mr. Box. Can the ordinary seaman make such a bond as that?

Mr. UHL. No, sir; but that would rest with your company; your steamship company would have to do that.

Mr. Box. The steamship company that did not want the men to land. Would they consider making the bond?

Mr. UHL. No; they possibly would not, as far as that is concerned, and each seaman would then be held aboard the ship during the stay of the vessel in port.

The CHAIRMAN. I think we can get along better on that by waiting until the hearing is printed, containing that proposition, and then you can look at it.

Mr. RAKER. Mr. Uhl, how many seamen who have deserted and have been arrested and ordered deported are now at Ellis Island?

Mr. UHL. I do not know that I can answer that directly. There may be a very few there, possibly half a dozen, but not any considerable number at the present time.

Mr. RAKER. You have told the committee that one of the problems has been there is no money for deportation. Have you had to turn fifty or a hundred or a thousand loose, after they had been arrested and identified and the order of deportation was made against them, because there were no funds to deport them?

Mr. UHL. In several instances, after being detained for four months or upward, they have been released either by order of the court or by reason of our inability to procure passports or transportation for them. In a great many instances, after holding them for weeks, we have through the shipping agencies, been able to ship them out as members of crews on outgoing vessels.

Mr. RAKER. For how many have the orders of deportation been canceled because the Government of the United States was unable or unwilling to furnish the means to deport them?

Mr. UHL. At the present time, I recall none such.

Mr. Box. You do not know how many you have failed to arrest and to take into custody because you did not have the money for that purpose and for deportation?

Mr. UHL. No, sir.

Mr. Box. Is that number large or small?

Mr. UHL. From such information as we have, I judge there is a considerable number of them.

Mr. RAKER. How can any officer or any man say in advance, before there are men in the detention station ordered deported, that the Government of the United States will not provide means for deporting them and, therefore, "We won't arrest them?"

Mr. UHL. I am telling you that the method which we have pursued heretofore was to endeavor to reship them as members of crews on outgoing vessels.

Mr. RAKER. I know, but I am trying to get at the number that have been turned loose because the Federal Government will not deport them.

Mr. UHL. Well, except upon order of the court, I do not know of any that have been turned loose after the warrant of deportation once issued.

Mr. RAKER. Then it can not be said the Federal Government has ever neglected to furnish the means to deport alien seamen who were unlawfully in the United States?

Mr. UHL. When they were taken into custody, no.

Mr. Box. But you avoid that question ever developing by avoiding their arrest?

Mr. UHL. That is about the situation; yes, sir.

Mr. RAKER. What officials do that? Name me some official that avoids arresting. I would like to see him and get hold of him and bring him before the committee. I would like to know if there are men in the United States who are taking the law into their own hands and say "We will not deport undesirable aliens in the United States, because the Federal Government will not provide the means to do so?" Who is that fellow?

Mr. UHL. Well, it is a matter of general information.



The CHAIRMAN. Here is a sailor who has stepped ashore under the La Follette Act, claimed his full rights, and who is willing to ship foreign when he is forced to; is that not about it? Here is a sailor who has come ashore claiming his rights under the La Follette Seamen's Act and is willing to ship foreign; he claims his full rights under the La Follette law and says he is ready to ship foreign when he is forced to?

Mr. UHL. At times.

Mr. SABATH. And frequently, or in some instances, there was no money available or funds available in the Treasury for that purpose, and you were obliged to go around and try to reship them without waiting until the funds would be available?

Mr. UHL. It is a matter of necessity, and to keep within our appropriation that is exactly what has been done.

The CHAIRMAN. We are very much obliged to you, Mr. Uhl, for your statement.

#### ADDITIONAL STATEMENT OF MR. HENRY H. CURRAN, COMMISSIONER OF IMMIGRATION, ELLIS ISLAND.

Mr. CURRAN. Mr. Chairman, I thank you for the opportunity to reappear and I promise you it is only for a moment and it picks up two things that were perhaps not quite entirely covered this morning. One is the matter of fingerprinting. I know at Ellis Island we have always come to that rather hesitatingly; there has been a feeling we would like to stamp every means of possible identification on the approaching alien. On the other hand, we believe tourists and transits should be placed within a class of nonquota immigrants, instead of being "not immigrants," as proposed in the bill as printed at the present time. That would involve the taking of thumbprints, according to the bill, of tourists and transits, because the thumbprints are to be taken of all nonquota immigrants, and my impression is that fingerprinting is still looked upon, although it should not be, as an indignity. Its particular application is in the administration of the criminal law, and I wonder if we would want to take upon ourselves the risk of making the whole law odious, as being too broad in its precautionary measures, by fingerprinting Lloyd George and Clemenceau and other distinguished visitors from all the nations of the world, who would be nonquota immigrants? In any event, I have talked this over at luncheon with those who have been in this service longer than I have on the question of the necessity of fingerprinting.

Some question has been raised as to its feasibility, in view of the hundreds and hundreds of thousands of immigrants who, in the aggregate, over a span of years, reach our shores—whether the human fingers, and taking the ten at a time, are so different that out of a million or two million immigrants each one has an entirely different marking on his 10 fingers. I do not know, but I raise that query, based practically upon my own recommendation that tourists and transits be included as nonquota immigrants. That is a recommendation, but if they are to be left classified as "not immigrants," then certainly I think some sort of statement should come with them

from our consuls abroad showing their belief that they are tourists and transits, so far as they can ascertain, because they have to choose, on the other side, what kind of certificate the applicants receive.

That is all I have to say on that point.

Mr. SABATH. You are familiar with the passport regulations and the fee system we adopted here two or three years ago, when we raised the charge from \$1 to \$10 for the visés and for our passports?

Mr. CURRAN. Somewhat.

Mr. SABATH. Do you know what the other European countries have done? Is it not a fact that they have adopted the same plan and charge the same fees for visés and passports as we charge in this country?

Mr. CURRAN. I have not had the good fortune to go abroad, and I do not know.

Mr. SABATH. Do you not think if we adopt the system of finger printing, as to these who are not immigrants, that they are likely to do the same thing to our citizens when going abroad, and do you think it would be pleasant to our citizens, when traveling, if they were to be obliged to submit themselves to finger printing and all that goes with that?

Mr. CURRAN. That is speculation. I do not know what they would be likely to do. The whole world might become finger printed in a short space of time by recriminatory, retaliatory, or reciprocal measures.

Mr. SABATH. In view of our experience with the passport fees and visé fees, that they followed speedily our increased charges, would you not think they would also do the same thing with this question?

Mr. CURRAN. Well, I would not think. I am in the Immigration Service, not in the State Department. That is for you gentlemen to decide.

Mr. RAKER. Do you realize an American landing, for instance, at Bremen, has to pay \$10 for a visé and then the police comes out, so that you can get in, and he looks at you and you pay him another \$5 of good, hard, American money [laughter], and do you realize every time you go into a hotel you give your name, the color of your eyes, the last town you came from, how long you are going to stay, and what your business is, and you have to sign it, and if you stay over two days, unless he is satisfied, you have to go down and report to the police—in every single city in the foreign countries you go into to-day? We do not do that, and here our people are making a fuss about making a little record, and yet, when you are over there, they keep track of you every day and nobody is kicking. I had to sign my name down there.

Mr. HOLADAY. Do they do that with everybody, or just those who look suspicious? [Laughter.]

Mr. CURRAN. Commissioner Clark has spoken of the shortage of the staff. We have that, too. We ought to have at the present moment about 100 more employees. Three years ago we had over 700 to administer that work at Ellis Island, and to-day we have less than 500, and the work is harder and ought to be done and done well. But there is an additional discouragement for those in the Immigration

Service. I speak only of Ellis Island, because I do not know as to the other ports. There is a discrepancy which I think is most discouraging to the men in the Immigration Service, a discrepancy between those men and the men in the Customs Service as against the men in the Immigration Service.

In the port of New York the immigration inspectors and the customs inspectors work side by side. They cooperate, go uniformly up and down the line, and the man who inspects the baggage, the merchandise, the express, the inanimate, is getting more than the man who inspects the human being who within five years after he steps ashore there at Ellis Island may become a citizen of the United States and vote for or against you gentlemen in your campaign for election to Congress. The baggage man is paid, uniformly, more than the men who inspect the human beings, who are recruiting the life blood from abroad of the citizenry of our country.

The CHAIRMAN. What is the process by which the custom man receives more pay?

Mr. CURRAN. In the case of inspectors, the range for customs inspectors is \$1,460, the basic figure, up to \$2,190. The immigration inspector is \$1,500 to \$2,160—practically no difference—but the customs inspector gets, in addition, pay for overtime, paid by the steamship companies.

The CHAIRMAN. I want to ask you about that; we have had that up here. Do you think it would be a safe thing to do to permit overtime by immigration inspectors to be charged against steamship companies?

Mr. CURRAN. I am opposed to the payment of overtime by steamship companies for either service. I do not think it a healthy condition. If overtime is to be paid, it should be paid by the United States Government; but, in general, I do not believe in overtime to be paid even by the United States Government. That is tasting blood. As human nature goes, men will be looking for overtime to get extra pay, and the weaker men will be unfitted for doing a full day's work on a regular salary. If every once in a while overtime is to be copped off, they will look for the emergency that requires it. I believe the salaries should be so increased, right up and down the line, that the Immigration Service will work on a contented basis and, furthermore, so that we can recruit into our inspecting personnel the kind of material we want and which we are not getting to-day. We are getting an inferior grade of clerks, guards, inspectors, and our own best immigration employees are leaving our service to go over into the Customs Service. Week after week that happens in New York.

Mr. RAKER. Have you read the estimate made by the Secretary of Labor relative to the Budget, of how much he asks—the number of men, wages, and so forth?

Mr. CURRAN. Well, Congressman, I have not been called into consultation at all on the subject of the Budget for next year for Ellis Island. I do not know what is in it. Nothing has been sent to me that enables me to read it. I am in total ignorance as to what it contains. I hope to secure enlightenment while I am down here in Washington on this trip.

The CHAIRMAN. The Secretary, it would appear, has not received all that he might need, because in his letter submitting the draft of

the bill he called attention to the proposed provision amending the immigration act of 1917, which would increase the appropriation and permit a sum as high as \$200,000 to be used for certain other work. And, of course, if the act proposed by this committee carried a lot of additional work with it, there would have to be an additional appropriation.

Mr. CURRAN. Yes.

The CHAIRMAN. It would result in a supplemental statement to the Budget.

Mr. CURRAN. I should suppose so. I have refrained from making a recommendation as to the size of the staff until the new bill should become law, because I can not do it intelligently until that time. But I can state now there is that discrimination right at the same port, in sister services, between the inspectors of human beings and goods coming there, against the Immigration Service, and it is draining us of our best employees. It goes from the laborers right up to my own salary, but I am not considering it in connection with my salary, but in connection with the salaries of the chiefs of divisions and the principal inspectors. The inspectors are the backbone of the service.

The CHAIRMAN. Do you still receive pay as custodian of the buildings at Ellis Island?

Mr. CURRAN. That is a trick I have missed. This is the first I have heard of it. [Laughter.] Mr. Uhl can answer that. That is the first I have heard of it.

Mr. UHL. He does not.

Mr. CURRAN. With emphasis on the "not." I think the collector of the port does, the custodian of the customhouse; but I do not know about that.

Mr. RAKER. I think I voice the sentiment of this committee in saying this, that after your investigation down here at the department, if you do not find enough help, that there should be certain raises, we will help you. I think everybody is inclined to help out that service, to give the proper men and the proper salaries, so that the service can function as a proper part of the United States Government to-day. That seems to be the voice expressed repeatedly by every man on this committee.

Mr. CURRAN. I am very glad to hear that. As a citizen, I think it is essential. I think we are going on a four-track road here, and we need a larger staff and a better paid staff and improvements of the plant on the island itself and a new law. And I do not think any one of those things more important than the others, but at least one of them is to correct this invidious discrimination against the man who examines the future citizens of the country and in favor of the man who examines the baggage.

Mr. Box. Do you not have a system of guards there who serve at the island?

Mr. CURRAN. We have guards; yes, sir.

Mr. Box. What is their scale of pay; what do they get?

Mr. CURRAN. Their scale is \$900 to \$1,200.

Mr. Box. That is what I learned, that you had guards there who were trying to live in New York on \$900. Can any man with a family live in New York on \$900?

Mr. CURRAN. No.

Mr. Box. Well, how are they going to live if that is all we pay them?

Mr. CURRAN. Well, I have had to fire four of them, and three or four have resigned.

Mr. Box. Why did you fire them? Do not call names, but why did you have to fire those?

Mr. CURRAN. Well, for their treatment of the aliens.

Mr. Box. Was it before you went there that you had some of them arrested for accepting bribes? Did you ever hear of that at Ellis Island?

Mr. CURRAN. Oh, yes; I have heard of it. I do not think that has happened since I have been there. There was one clerk, and we caught him and had him arrested. It was not for accepting bribes, strictly. Unfortunately, the jury turned him out. All I can do is to make dead sure he does not ever become a member of the bar in New York. He was guilty; absolutely guilty.

Mr. Box. Guilty of what? I do not care about the name.

Mr. CURRAN. His name is Louis G. Schwartz.

Mr. Box. I do not care about his name; I just want to know of what he was guilty.

Mr. CURRAN. I do care; I am very glad to state his name. If I can get him in any way, I am going to do it.

Mr. Box. I am glad you feel that way, but I do not want to embarrass you. What has he done?

Mr. CURRAN. He was secretary of a board of special inquiry and his practice, which I think is of rather recent origin, was to get the names and addresses of relatives of aliens detained at Ellis Island in every case where there were aliens who were sure to be admitted pending the delay involved and sending to Washington for decisions on appeals, etc. They are admitted on bond or admitted outright. He set out daily to get those names and addresses of the relatives and then the relatives would be approached by his two confederates ashore. They are gentlemen by the name of Sikin, and their address was, I think, 298 Broadway, and, on the front door was the legend "Sikin Bros., business brokers"—whatever business brokers are, that is what they were. Then they would go to the relatives and say "We have somebody in the 'know' on the island; we can get your relation off if you pay us \$500," and the relatives, as they all do, would fall for it and pay the money, and they would settle with Mr. Louis G. Schwartz, who was a Government employee on Ellis Island.

Mr. Box. He is not now?

Mr. CURRAN. No; he is not now. One of the relatives was suspicious, and he went to a man, and that man came to me, and I got hold of the New York police department, their detective force, and we put over an old-fashioned detective story, so old-fashioned I did not think it ever could happen again. We got two plain clothes men from headquarters, with the same square-toed shoes worn by all cops, to go down with the friend of the relative to the office of the business brokers, and there they beat the business brokers down from \$500 to \$100. By the time they beat them down from \$500 to \$100 Sikin Bros. were positive this was on the level, because that seemed natural, and they agreed to take \$100, and thereupon the two

bulls handed over the \$100 in marked bills—old stuff—and Sikin Bros. took the marked bills and were thereupon arrested and locked in the Tombs, and I called up the district attorney and told him I hoped he would be aggressive about it, and then I called up the magistrate, and without telling the magistrate that I had called up the district attorney, I told him I hoped he would be aggressive about it, and the next morning in court with the magistrate and the district attorney and the two business brokers, the magistrate and the district attorney started to duet; each one thought neither would be aggressive, but each was determined to be, and the result is the business brokers were held in \$25,000 bail.

Everybody in court almost dropped dead when they heard that, and the district attorney heard it, and the magistrate said, "Yes, that is right, \$25,000." The district attorney did a good job, and he sweated the name of Louis G. Schwartz out of the business brokers, and had a plain clothes man come over, who was introduced to Schwartz, arrested him, and took him over to the Tombs, and although his attorney admitted the fact in some fashion, he obtained an acquittal. There was a legal doubt as to whether his offense constituted an infraction of the Penal Code, whether it was grand larceny, conspiracy, or what, and unfortunately he was acquitted: but that is the story.

Mr. RAKER. What became of the Sikin Bros.?

Mr. CURRAN. I think they had pleaded guilty, and they were going to get a somewhat lighter sentence for turning in the name of Schwartz. It was the Ellis Island man we were after, the Government man. I do not know what happened to them. We all went home with a sick headache when Schwartz was acquitted.

The CHAIRMAN. We are very much obliged to you.

We will adjourn until 10.30 o'clock to-morrow morning.

(Whereupon at 4.50 o'clock p. m. the committee adjourned.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES.

*January 8, 1924.*

The committee this day met, Hon. Hays B. White (acting chairman) presiding.

The ACTING CHAIRMAN. The committee will be in order.

I understand Congressman Phillips is here this morning and has a statement to make.

Mr. CABLE. Pardon me a moment. I would like to have permission to insert in the record a letter I received from the Secretary of Labor, dated January 5, concerning his proposed bill. It is an important subject. It deals with giving the right to the President to stop immigration from any nation when that nation attempts to dictate who should come here and who should not. I would like to put that in the record.

The ACTING CHAIRMAN. If there is no objection, it is so ordered.  
(The letter referred to is as follows:)

JANUARY 3, 1924.

HON. JOHN L. CABLE,

*House Office Building, Washington, D. C.*

MY DEAR CONGRESSMAN: Your question what may be done when foreign governments by their control of passports prevent the departure of young able-bodied men to whom our consular officers have issued immigration certificates suggests the necessity for an additional section to the draft recently submitted by me to the chairman of the Committee of Immigration and Naturalization of the House.

Of course, any foreign government has the right to regulate immigration in any manner it may see fit. However, if it appears that any country, by regulation or otherwise, limits the issuance of its passports to the aged and infirm, and refuses passports to the young man, this in a measure will be to the detriment of the United States, and this country has the right to protect itself against such discrimination by a provision similar to the following:

"Whenever the President shall be satisfied that any foreign government restricts the issuance of passports to certain of its nationals, or limits the issuance of passports to certain classes or individuals, or otherwise discriminates in the issuance of such passports, he shall refuse to permit the nationals of such foreign government to enter the United States as immigrants as long as such restrictions and limitations are imposed and such discrimination practiced."

Very truly yours,

JAMES J. DAVIS,  
*Secretary of Labor.*

Mr. CABLE. I would like to call the committee's attention to the statement appearing in the hearing of the Sixty-first Congress, before the Committee on Immigration, and this statement is on page 225. Yesterday Mr. Clark, of Montreal, suggested that States be permitted to go abroad and secure nationals and bring them here to colonize the State, and this shows the experience of South Carolina. It is about 12 lines, and I would like to read it into the record. It is a statement made by Mr. Brooks:

A few years ago South Carolina established a State bureau of immigration, appropriated considerable money, and with a fund generously contributed to by certain cotton-mill men, real-estate speculators, and others particularly interested, its commissioner of immigration went abroad and brought two cargoes of immigrants to South Carolina, distributing and finding places for each one of the 762 in various parts of the State. To make a long story short, on the 4th day of May, 1909, an act was approved abolishing the bureau of immigration and forbidding a State official to attempt to directly or indirectly bring immigrants to the State of South Carolina.

That is an example of one State, as shown by this record, where they attempted to go abroad and colonize, and it turned out to be a failure.

The ACTING CHAIRMAN. Is Congressman Phillips ready to make his statement?

Mr. PHILLIPS. Yes, sir.

Mr. SABATH. What was this you have read into the record?

Mr. CABLE. That was in the hearings of 1910, the experience of South Carolina in going abroad as a State, sending their officials and bringing immigrants here.

Mr. SABATH. From what country?

Mr. CABLE. From Belgium. These people were from Belgium, and came here, and would not remain in the State, and as it was just a failure they rescinded the law thereafter.

**Mr. SABATH.** What is this you read from, from the hearings?

**Mr. CABLE.** From the hearing of this committee in 1910.

**Mr. SABATH.** That would also show the reason why they did not remain any length of time in the place for which they were brought into?

**Mr. CABLE.** There are several phases on the problem.

**Mr. SABATH.** I am going to supplement that and put in the evidence that was had on that proposition.

**Mr. McREYNOLDS.** There has been some effort to get Mr. John R. Quinn here, head of the American Legion, and here is a telegram, which I desire to read, to Mr. Walter F. Lineberger, Member of Congress, from Mr. Quinn. The telegram is as follows:

INDIANAPOLIS, IND., January 7, 1924.

WALTER F. LINEBERGER,

*House Office Building, Washington, D. C.:*

Your telegram relative meeting House Committee on Immigration and Naturalization just received, which makes it impossible for me to arrive in Washington in time for meeting. Have wired Powell, director of Americanism commission, to get in touch with you, providing meeting can not be postponed until 17th or 18th, as national executive committee meets here the 14th and 15th and board of directors legion publication and several special meetings have been called to meet here on 13th; preparation for these meetings and late receipt of your wire makes above action necessary. After conference with Powell advise if you desire my presence on 17th or 18th.

JOHN R. QUINN.

**The ACTING CHAIRMAN.** I think that should be presented to the chairman of the committee. The acting chairman remembers that the committee decided to close these hearings in a short time, I believe. I am not sure as to the date.

**Mr. McREYNOLDS.** I am not sure either.

**Mr. SABATH.** The secretary can give us that information, perhaps, or the assistant secretary.

**Mr. McREYNOLDS.** Request was made of Mr. Lineberger to get Mr. Quinn, and that was the response to Mr. Lineberger's wire. We might leave that open.

**The ACTING CHAIRMAN.** On former occasions, under similar circumstances, the hearings have been reopened, but the acting chairman can give no assurance that they will be, and would not care to assume any responsibility. If there is no further preliminary business, the committee will hear Congressman Phillips.

**Mr. SABATH.** I would like to know if there has any action been taken as to the date when the hearings are to be closed. That is something new to me. Do you know? Do any of you gentlemen know?

**Mr. HOLADAY.** My impression was that they were to be closed to-day.

**Mr. FREE.** This has been gone over.

**The ACTING CHAIRMAN.** It is the impression of the acting chairman that the hearings close to-day.

**Mr. McREYNOLDS.** The chairman stated yesterday that we only had one or two witnesses to hear, and then we would proceed on the discussion of the bill.

**Mr. SABATH.** We have a very good acting chairman here.

**Mr. FREE.** Judge Box is not here and Judge Raker, they are not here yet. I just had a talk with Mr. White, Assistant Secretary



of Labor, and he was in a talkative mood. Somebody had stepped hard on his toes, and he had something I think he ought to tell this committee about the interference with the carrying out of the law. He says there is a certain interference in New York at Ellis Island, which interferes with carrying out the law. They have plenty of help sufficient in numbers to do it if they were left alone. I think we ought to hear from him.

Mr. McREYNOLDS. I would like to know why he is not left alone.

Mr. FREE. He complains of interference by Members of Congress.

Mr. CABLE. If the Secretary of Labor or any of his people would come down and appear before the committee.

The ACTING CHAIRMAN. Congressman Phillips is here and wants to be heard, and the committee will now hear the statement of Congressman Phillips.

Mr. RAKER. I second Mr. Free's motion to hear the assistant commissioner; hear Mr. Henning also.

Mr. CABLE. And Mr. Davis.

Mr. SABATH. We did not hear the Commissioner of Immigration.

Mr. FREE. I think we ought to hear all of them; let them say what they have to say.

Mr. McREYNOLDS. What is the name of your man?

Mr. FREE. Mr. White. I move that we send for Mr. Henning. Mr. Husband, Mr. White and Mr. Davis.

Mr. RAKER. I second the motion.

The ACTING CHAIRMAN. The Chair feels that this motion at the present time embarrasses somewhat the situation, for the reason that the chairman of the committee and the two ranking members of the committee next to myself were not present, and the understanding is that the hearings were to close to-day, and I think that is the recollection of some of you. It is the recollection of the acting chairman, and it seems to be the recollection of others of the committee, but I suppose the motion is in order in any time, but the acting chairman would have been pleased if the gentleman from California would have held his motion until such time as the chairman of the committee was present.

Mr. FREE. When will he be present?

The ACTING CHAIRMAN. To-morrow or any time.

Mr. FREE. I think we could go along and hear them to-day.

The ACTING CHAIRMAN. Your cause will not suffer if you would withhold the motion, with the consent of the second, until the chairman is present.

Mr. FREE. All right, sir.

Mr. RAKER. At this time, for the benefit of the committee and the discussions that have been had, I desire to read a letter I wrote to Secretary Hughes on December 28, 1923, and his response thereto upon the questions that have been propounded here by the committee of the witnesses. My letter is as follows:

Hon. CHARLES EVANS HUGHES,  
*Secretary of State, Washington, D. C.*

MY DEAR MR. SECRETARY: The matter is being discussed and is now of much interest to the Committee on Immigration and Naturalization of the House of Representatives as to whether or not the United States could set up an independent system and machinery in foreign countries for the purpose of making

Investigation, examination, and selection by American officers in foreign countries without a treaty between such foreign countries and the United States authorizing the United States to so act.

Consular service is conducted under treaties, and I understand there are no treaties bearing upon immigration; therefore, without a treaty between the United States and foreign countries, or a foreign country, would the United States be entitled to establish, maintain, and operate an independent department having for its purpose the inquiry into and investigation in its broad sense of the qualifications of intended immigrants to the United States?

Asking you for your consideration and soliciting an early reply, respectfully submitting the same, I am,

Cordially yours,

JOHN E. RAKER, M. C.

I have just received the following letter from Secretary Hughes, dated January 7, 1924. It reads:

MY DEAR MR. RAKER: I have your letter of December 29, 1923, in which you refer to the interest of the Committee on Immigration and Naturalization of the House of Representatives in the question whether the United States could set up an independent system and machinery in foreign countries for the purpose of making investigation, examination, and selection by American officers in foreign countries without appropriate treaties authorizing the United States so to act. The second paragraph of your letter is perhaps explanatory of your inquiry.

By way of response I would say that this Government would encounter great difficulty in setting up in a foreign State such a system as you refer to without its consent expressed in some appropriate way, as by an agreement or treaty. Such action without that consent would be in derogation of the supremacy of that sovereign within its own territory. I do not desire, however, in making this general statement, to express an opinion as to any proposed measure without having the opportunity to give it special consideration and to deal with such questions as its particular provisions may raise.

Mr. Box. I have a matter that I would like to submit. It is from the official language of the census report.

Mr. WATKINS. In connection with what the gentleman from California just read, I want to read two or three letters on the same subject. I have not my letters to them, but in substance I was asking their opinion as to whether the United States could go into the situation abroad, in the hope that we might put in the selective clause in this act.

Mr. FREE. I was wondering if it would not be just as well to put it in the record.

Mr. SARATH. It is a short letter.

Mr. WATKINS. There are four letters.

Mr. FREE. I do not want to stop you, but if it is on the same line we are agreed on the principle. I feel we are.

Mr. Box. He may have something on the other side.

Mr. FREE. If we have something to the contrary, my idea was to file the letters and save the time.

Mr. WATKINS. You can file the letters.

Mr. Box. I want to hear it.

Mr. WATKINS (reading):

MY DEAR CONGRESSMAN: I have your letter before me of December 28, in which you were good enough to ask my opinion on the preexamination of immigrants. I have always supposed that the examination of immigrants at the port of embarkation was entirely feasible, and I have been equally convinced that it was a thing to be desired. It would, of course, involve the creation of an adequate staff, both lay and medical, but I doubt if the expense would be as great as that which we now incur at the ports of entry. The arguments

in favor of such a plan are too well known to need recounting, and I earnestly hope that it may be possible for your committee to make provision for in legislation that may be put forward.

Very sincerely yours,

JOHN W. DAVIS.

**Mr. VINCENT.** John W. Davis? Who is he?

**Mr. WATKINS.** Former Solicitor General of the Department of Justice and former ambassador to England from the United States.

The next is a letter from Robert Lansing, and it is:

DECEMBER 31, 1923.

I am in receipt of your letter of the 28th in relation to the examination and investigation of prospective immigrants in the port or country of departure.

I assume that your inquiry goes to the question of the right to make such investigation and examination and to the attitude which other governments might take as to such action.

There has grown up a custom in regard to the viséing of passports by consular officers as a result of which an alien to whom the passport is issued can not, without such visé, enter the United States. The authority to visé carries with it the authority to examine the applicant, and in some cases to require him to produce proof as to certain statements in the passport or as to character.

With this generally recognized authority of a consul stationed in a foreign country, who derives his powers from a consular treaty, I can not see why a government should object to an extension of that authority to cover cases in which the applicants announce their intention to proceed to the United States to take up a residence. Investigation and examination could be conducted by American officials attached to a consular office and subject to the control of a consul. In place of or as a part of a visé there could be issued a certificate authorizing the person receiving the same to enter the United States, which would have the same effect as a visé on a passport.

Whether it would be feasible to set up in foreign countries an organization, distinct from and independent of the Consular Service, for the purpose of examination, investigation, and issuance of certificates of entry, I doubt. It might cause controversy with other governments and result in interference with and possibly prevent the operation of such an organization in the absence of treaties permitting it to function.

The simplest and most practical way of bringing about the suggested examination and investigation of persons desiring to enter the United States as immigrants would be to extend the passport laws covering the requirement as to visés in cases of that sort, and providing for expert examiners to be attached to consulates for the purpose of making the necessary examinations and investigations and of issuing under the authority of the consul certificates of entry which would operate as visés on passports.

This, stated in a general way, is my opinion as to the theory which should underlie any legislation on this subject, as I am convinced that a body of officials, independent of the Diplomatic or Consular Service, would not be able to function properly or efficiently unless treaties are negotiated conferring on such officials special powers.

Very sincerely yours,

ROBERT LANSING.

Another letter is from George W. Wickersham, former Attorney General of the United States, and it is as follows:

**MY DEAR MR. WATKINS:** Replying to yours of the 28th instant, I always have thought that it was most desirable that the examination and investigation of prospective immigrants should be made at the ports of embarkation in the foreign countries from which they come to America. What practical objections there may be to that course I do not know, nor could I express an opinion upon that subject in a general way. It seems to me it would require a study of the conditions in each country which might be claimed to interfere with carrying out this work. It is possible that the subject would have to be dealt with by a comprehensive treaty with the principal countries from which immigration flows. Of the desirability of saving intending immigrants from the trouble and expense of making a fruitless voyage, it seems to me there can

be no question. Whether or not the steamship companies would cooperate effectively in the work, I do not know. But their cooperation ought to be secured. It would seem that the practical advantage to them in being relieved of the necessity of transporting rejected immigrants back at their own expense would lead them to join with our Government in carrying out such regulations as might be adopted to protect them from that cost. If there is any particular question that occurs to you, or any particular principle of international law or custom, that you think I might be of aid in considering, pray call on me. I can only now express the general views which I do in this way.

Faithfully yours,

GEORGE W. WICKERSHAM.

I wrote back to Mr. Wickersham and submitted to him the brief before this committee, of the gentleman from Texas, and asked him to read the brief; and after he had given it his time then to let the committee have his views, and this I think will be of interest to the committee, and it is from Mr. Wickersham:

JANUARY 5, 1924.

HON. ELTON WATKINS,

*House of Representatives, Washington, D. C.:*

MY DEAR MR. WATKINS: I beg to acknowledge receipt of your favor of the 31st ultimo, reply to which has been delayed by my absence from the city for several days. I have read the brief of Congressman Box of Texas, with much of which I entirely agree. There is no doubt that no country has a right to send its representatives or officials to another country and there to conduct an examination into the fitness, physical, mental, or moral, of proposed immigrants without the consent, expressed or implied, of the government of the country where such investigation is to take place. On the other hand, I should think that in view of the general immigration problems it would not be impossible that our Government should negotiate with the governments of the principal countries from which the larger part of immigration comes to our shores, an agreement permitting such investigation there to be made. Of course, as you say, if a foreign government should refuse to let us make such inquiry in their country, we might bar immigrants from that country from coming into the United States. That, however, would be a drastic remedy and would give rise to a very unfriendly feeling on the part of a country thus treated.

The matter should be dealt with, it seems to me, by negotiation with these foreign countries. The agreement which might be reached through negotiation would not necessarily be a treaty, but the sort of agreement which customarily is made by the Executive branch of our Government, as, for example, the international postal conventions. There is quite a range of international agreement not rising to the dignity of a treaty, respecting which throughout our history the executive Government has acted without reference to the treaty-making power. Undoubtedly the foreign steamship lines could and should be interested in assisting to bring about such agreement. It seems to me that Mr. Box's argument goes too far and that it would not be impossible to arrange through negotiation some system of examination in foreign countries which would be a distinct improvement on the present condition and would largely prevent undue hardship to many immigrants who now cross the ocean only to be turned back at American portals.

Then he refers to the State Department and a personal matter between him and a mutual friend of ours.

Mr. Box. I wanted to submit in connection with the question we had up yesterday, about the tendency of immigrants to go to the farms and cities, a statement from the census, monogram No. 1, increase of foreign born in the cities:

The tendency of the foreign-born white population toward concentration in cities and large towns has long been manifest. In 1800, 61.8 of the foreign-born whites were numbered in the urban population. This proportion increased to 71.4 per cent in 1910, and in 1920 the foreign-born white population of the United States had become 75.5 per cent urban. That is, according to the Four-

teenth Census, three out of every four foreign born lived in communities of 2,500 inhabitants or over; on the other hand, during the decade the number of foreign-born whites in rural districts decreased 12 per cent. What such a substitution means, speaking of their going from one place to another, can be realized readily by reference to the results of the 1910 census, which shows the Germans in the United States were 65 per cent urban, and Scandinavians 53 per cent. The Russian Jews, on the other hand, were 87 per cent urban and the Austrians and Hungarians 74 per cent and the Italians 78 per cent. These figures represent the tendency of every nationality to congregate in cities. Any change such as that which took place in the east, north, central division, replacing the less urban nationalities with those more urban, the tendency would result in apparent cityward migration.

I read from pages 110 and 111 of the book referred to.

This will show that while our own people are tending to concentrate in cities, the tendency among the foreign born so to do is greater.

MR. SABATH. I know you always give a great deal of thought and consideration to this. Have you thought that up to 1880 there was a great deal of land available, and it was much easier for the foreign born to secure a homestead or a farm, and gradually as the public lands diminished year by year, it becomes just that much harder for foreign born to acquire a farm.

MR. BOX. I agree with the gentleman about that. I think that that is an economic feature of the situation that we have been discussing, and this is not by way of criticizing any particular group of people. It is discussing the bearing of their coming, and their settlement upon the economic and social life of the United States. Now, for instance, you take the State of Texas. We had yesterday evening the figures showing the decrease in the number of the farms in various States in the United States, official figures, and somebody hath humorously asked me how it was in Texas, and somebody in California. In both States the number of farms have increased, and the number of farms in the United States from 1910 to 1920 increased 1 per cent and a fraction. My recollection is that the population increased 4 per cent and a fraction. Texas had 80 counties, 50 to 80—I would like to be able to give them exactly—50 to 80 of her best agricultural counties where the population decreased in 1910. The State of New York has a great many counties, rural counties, during the decades from 1910, whose population decreased, showing that very marked tendency in American life, a very unwholesome tendency, a distressing tendency, showing the languishing of the farm life of America, and the building up of city life, and civilization's worst troubles had come from her great cities. There is no question about it, and if I had time—I am always inflicting myself upon the committee—I would like to collect a number of other figures in line with these and showing that.

Take the colored element, which is a labor element, and no man figures any way but kindly toward that element.

THE ACTING CHAIRMAN. It was in my thought yesterday to interrupt and ask you a question. It would be very interesting if you could submit—you are familiar with those subjects—the number of acres which have been abandoned for cultivation.

MR. BOX. I will be glad to do that. I looked that up last night after Mr. Vincent raised the question. I assume the farms are smaller on the average. The variation will be very slight.

Mr. FREE. I move that Judge Box be requested to gather this information and insert it in this record in sequential order. Let us all get it in one place.

Mr. Box. I will be glad to do it.

The ACTING CHAIRMAN. Without objection it is so ordered.

Mr. RAKER. I ask at this time a proposed amendment to the present bill, for the consideration of the committee.

Mr. SABATH. Wait a minute.

Mr. FREE. Mr. Smith is here.

Mr. RAKER. It is to go into the record for consideration later, not now.

Mr. SABATH. Mr. Chairman, in connection with the request that has been made, I will volunteer to submit to the committee for what it is worth the statistics that show the increased production and the increased exportation in the last 20 or 30 years.

The ACTING CHAIRMAN. Production of industry?

Mr. SABATH. On everything, as many as I can get.

Mr. FREE. Is that to show we do not need any more immigrants?

Mr. SABATH. No; it will show this: That in the cities people are employed and that most of the manufacturing of products is done in the cities—the products that we export—and if I am not mistaken, the balance in our favor has increased in the last 20 years to the extent of about ten to twelve billion dollars.

Mr. FREE. You mean in manufacturing products?

Mr. SABATH. I mean manufactured products and agricultural products.

The ACTING CHAIRMAN. Did you say billions?

Mr. SABATH. Yes; I said billions.

The ACTING CHAIRMAN. The chairman does not want to have a correction.

Mr. SABATH. I mean in the aggregate or in any one year; I think the increase—the balance in our favor was, I think, a little over \$3,000,000,000 in any one year.

Mr. RAKER. So that the committee will consider it when the time comes; I have an amendment to submit that will be considered.

Mr. FREE. It seems to me we can take that up when we are alone.

The ACTING CHAIRMAN. The judge does not ask for consideration now.

Mr. RAKER. I want it printed and the testimony to be considered so the public can know what is going on.

The ACTING CHAIRMAN. He wants it put into the record.

Mr. RAKER. For the exclusion of communists. I ask to have that printed in the bill. I offer in connection with that a letter received from the communist from Russia that was sent to the workers of Chicago. I have not it here, but will have it to-morrow, and offer in evidence a little pamphlet, printed by the Mine Workers of America, on the attempt of the communists to seize the American labor movement: in other words, to destroy that in the American Government, in which it is stated there are over 1,000,000 communists in the United States whose purpose is not only to destroy that but to destroy the American Government. May that be printed?

The ACTING CHAIRMAN. Yes, without objection.

(The paper referred to "Attempt by communists to seize the American labor movement" and the amendments referred to are as follows:)

WORKERS PARTY OF AMERICA,  
Chicago, Ill.

To the Members of the House of Representatives and Senate of the United States:

DEAR SIRS: In view of the publicity given by the Department of State to an alleged letter from Gregory Zinoviev, chairman of the Communist International, to the Workers Party of America, which is denounced by both Zinoviev and the Workers Party of America as a forgery, we are sending you a copy of a letter from the executive committee of the Communist International to the national convention of the Workers Party of America, which will be held in Chicago December 30, 31, and January 1.

The letter inclosed, which will be publicly read to the Workers Party convention, contains a true presentation of the policies of the communists, as contrasted to the ridiculous suggestions about "shooting practice," and "sappers," contained in the forged document.

Very truly yours,

C. E. RUTHENBERG,  
Executive Secretary.

LETTER FROM THE EXECUTIVE COMMITTEE, COMMUNIST INTERNATIONAL, TO THE  
WORKERS PARTY OF AMERICA.

July 12, 1923.

To the Workers Party of America:

DEAR COMRADES: The convention of the Workers' Party of America is taking place at a time when world reaction is preparing another blow against the international proletariat. Gathered like ravens over the bodies of the working class of Germany, the imperialist powers of France, England, and America are making their plans to divide the spoils in Germany and reduce the working class to the position of coolies. The capitalists of Germany have established their military dictatorship and are ready to cooperate with the foreign imperialists, provided they are guaranteed part of the booty.

In several States of Europe facism holds the workers in its bloody grip. Italy, Spain, and Bulgaria are in the throes of the wildest reaction. The white terror rules in Finland, Rumania, and Hungary.

In Soviet Russia alone the rule of the workers and peasants is unshaken, despite the many attempts that have been made to destroy it. The soviet power is consolidating itself more and more and to-day stands invincible to the plots and intrigues of the reactionary capitalist governments and counter-revolutionary émigrés.

American imperialism, with its surplus of war gains wrung from the working class, is utilizing the broken-down condition of Europe to make fresh conquests. In Europe it is directing its forces once more against Soviet Russia, in the hope of undermining the soviet power. The path to this new attempt is over the bodies of the enslaved German workers who are to be bought with food furnished to the murderous Seeckt military dictatorship. In Asia, American imperialism is penetrating further into the heart of China, where it is securing a strangle-hold on its resources and industries. The earthquake in Japan, which has seriously weakened Japanese imperialism, is opening up the door for American encroachments, which must surely lead to war. In South and Central America and in Mexico American imperialism is in the heyday of its expansionist policies, whose aim is the acquirement of large sources of raw material and the extension of fields of investment for Wall Street and American industrialists.

New, fearful wars menace the whole world as a result of the machinations of American imperialism. It is the duty of the American workers to watch well the acts of their capitalists. They must prevent any interference with the struggle of the German workers to obtain their freedom. They must fight against attempts to embroil the American workers in new wars for the sake of capitalist profits. It will be the duty particularly of the communists to mobilize the proletariat of the United States against the coming wars.

To perform this and the many other tasks confronting the party, the central executive committee of the workers Party has rightfully conceived as the most important step the establishment of an English communist daily in the United States. This daily must become the medium for reaching the widest masses of the workers and mobilizing them for militant action in protection of their rights and in securing final control of power. The struggles in the United States are among the bloodiest in the world. The power of the capitalist press is tremendous. The workers have no real expression throughout the country and hence are exposed to misrepresentation and distortion of fact, which is one of the methods that the capitalist class of America employs in order to crush the labor movement. The communist daily must become the organ not of the revolutionists alone, but of the whole working class. Hence the whole strength of the party must be mobilized for the establishment of the daily, which should be the forerunner of more revolutionary dailies in other parts of the country.

To accomplish this task and to put the daily on a sound basis, the membership must be drawn into close relationship with one another. The language federations constituting the party are a necessity and yet are a hindrance to uniform action of the membership. The language federations are essential for propaganda among the foreign-born workers and must be retained for that purpose. Within the party, however, there should be created international branches comprising all the membership, regardless of language. Thus members of all nationalities and negro workers will be grouped in uniform branches and work together on the problems confronting the party. This will produce greater mobility and lead to the inner harmony that is fundamental to all communist action. In an industrial country like the United States the shops and mills are the centers of activity. It is obvious, therefore, that the shop must be the basis of all party work. Even though the factories are infested with spies placed there by the capitalists, thus rendering work difficult, the basic unit of the party must be the shop nucleus. This will enable us to gather the workers on the job, where they feel most keenly the capitalist and the force of the government.

The excellent work that has been done by the communists in the left wing of the labor movement of the United States demonstrates that if all the comrades were members of trade-unions, the work would increase manifold. We must repeat the decision of the last session of the enlarged executive committee, to the effect that it is the duty of all communists to join the trade-unions and be active in their work. The convention of the Workers Party must take steps to get the comrades into the unions. This is one of its main tasks and one not to be neglected.

The propaganda that the Workers Party has conducted during the past year has been most effective. As a result, the ideas of communism and the communist movement are the center of discussion both among the workers and the capitalists. Despite the savage attempts of the American bourgeoisie to instill fear into the minds of the American workers at the suggestion of communism, and to point to the achievements of American democracy as the highest that mankind can aspire to the actions of the American capitalist class and the capitalist government in the past two years have opened the eyes of the workers.

The strikes of 1922 taught them the true meaning of capitalist democracy; it also taught them that the communists are feared and persecuted by the capitalist class merely because they are the most powerful spokesmen of the working class and the most valiant fighters in its interests.

The vast sentiment for communism that the Workers Party has aroused must be organized. Your central executive committee acted right in inaugurating a campaign for membership. This campaign must be a matter of discipline. Each member of the party must be pledged to secure one or more new members for the party. The Workers Party must increase its membership several times before it will become the factor in the proletarian movement of the United States that the communists are destined to become.

The Workers Party has applied communist tactics correctly in seeking a united front of all forces to fight the capitalist system in the United States. It has sought a united front not only on the economic but particularly on the political field. That Gompers and the reactionary trade-union officialdom oppose it because of their antiquated, treacherous policy of "rewarding the friends and punishing the enemies of labor" in the capitalist parties; that the socialists, having renounced every revolutionary idea and lined up with the reactionary forces of the country, also oppose it; and that a few so-called "progressive"



trade-union leaders of the Middle West have betrayed the workers and gone over to Gompers; that they denounce the ideas they once stood for and therefore also oppose the united front, is creating the best basis for the united front policy. This treachery has been and will remain one of the chief reasons why the workers of America still are the prey of the capitalist parties of America. This treachery, however, will show the workers so much the more clearly the necessity of the united front. It will also demonstrate to them that the communists, who are the only militant exponents of the united front, are not only their best friends, but the only ones in the United States who understand the political needs of the working class.

The organization of the Federated Farmer-Labor Party was an achievement of primary importance. The coming together of the militant farmers and workers for the attainment of political power against the control of the capitalist parties revealed an awakening consciousness and a rising spirit no longer to tolerate political domination by the bourgeoisie. In the Federated Farmer-Labor Party are organized only a small portion of the militant workers and farmers. The united front of all proletarian and farmers' parties and organizations for the fight against capitalism is the demand of the hour. The communists must spare no effort to bring this about.

This is all the more necessary in view of the presidential elections of 1924. The labor parties and farmer-labor parties that have been formed in 29 States must be consolidated into a united front; they must put up joint proletarian candidates. They must fight as a united body against the reaction that is bound to set in after the elections. They must be prepared to support this united front with their economic power. The chaos in the working-class movement must be ended. This is the task of the communists, a task they are performing with great effect.

There is one problem to which the American communists have not applied themselves with sufficient energy, viz. that of American imperialism. The huge profits from the war and the exploitation of foreign markets have enabled the American bourgeoisie to penetrate deeper into the Latin American countries. The recent declaration of Secretary of State Hughes to the effect that the interpretation of the Monroe doctrine must be left exclusively to the discretion of America is already bearing fruit. The recognition of Mexico is merely a trick to give American capitalists greater control over the resources of Mexico, and, in case of "trouble," afford the American Government an excuse for intervention "in protection of American property and interests." The conflict in Cuba, which will also probably end with an intervention, the continued military occupation of Haiti and Santo Domingo, the muzzling of Nicaragua, Panama, and Colombia, the loans to the numerous South American States, the increasing economic exploitation of these countries, and the rising revolt in the Philippines indicate that American imperialism intends to conquer the Western Hemisphere and force the colonies under complete control.

This is a problem of vital importance to the American working class. Fearful imperialist wars face the country. The bourgeoisie is making ready. The Government is perfecting its military machinery; General Pershing is demanding a larger Army. The communists must sound the alarm and prepare the workers for resistance to these bloody schemes. The communists must point out that the illegal organizations of the capitalist class, the spies, and especially the Ku Klux Klan and American Legion, are a product of the foresight of the capitalists and are openly sponsored by the Government of the United States. The capitalists are prepared to crush any attempt to interfere with their plans.

These, comrades, are the vital problems that confront the party. To propagate them and organize the workers for action will demand the concentrated strength of the whole party membership.

We greet the third convention of the Workers Party and have confidence that the party will line up the workers of America with the revolutionary workers of the world in the struggle against capitalism and for the establishment of a workers' and farmers' government.

With communist greetings,

EXECUTIVE COMMITTEE COMMUNIST INTERNATIONAL,  
W. KOLAROW, *General Secretary*.

## ATTEMPT BY COMMUNISTS TO SEIZE THE AMERICAN LABOR MOVEMENT.

This series of six articles was prepared by the United Mine Workers of America, disclosing the attempt that is being made by the red forces, under the direct supervision of Moscow, to seize control of the organized labor movement of America and use it as the base from which to carry on the communist effort for the overthrow of the American Government. These articles are the result of an independent, searching investigation on the part of the United Mine Workers of America which led directly to original sources.

### THE AMAZING SCHEME.

#### ARTICLE I.

The United Mine Workers of America with this article begins an exposé of the communist revolutionary movement in America, as promoted and fostered by the Communist International at Moscow, and dealing with it as it involves the welfare of the miners' union, and other similar labor organizations, and the interests of the American people as a whole.

The purpose and object of the United Mine Workers of America in bringing to the attention of the American people the far-reaching and intensive activities of the communist organization in this country is twofold. The United Mine Workers of America wants the public to know what this thing is. It wants the public to know something about the fight which the miners' union is waging to stamp it out. First, it desires to reveal and make known the sinister and destructive groups and elements attempting to "bore from within" its own ranks and membership and to seize possession of the organization, and, through such seizure, to later gain possession of all legitimate trade-unions; second, to inform the American people of the scope and purport of the hostile and inimical movement being carried on within their midst.

Imported revolution is knocking at the door of the United Mine Workers of America, and of the American people. The seizure of this union is being attempted as the first step in the realization of a thoroughly organized program of the agencies and forces behind the Communist International at Moscow for the conquest of the American continent.

The overthrow and destruction of this Government, with the establishment of an absolute and arbitrary dictatorship, and the elimination of all forms of popular voice in governmental affairs, is being attempted on a more gigantic scale, with more resolute purpose, and with more crafty design, than at any time in the history of this Nation.

The communist régime at Moscow, bent on world conquest, is promoting and directing one of the best-organized and most far-reaching campaigns in America that any country has ever been confronted with. The communist organization on the American continent is composed of more than 8,000 active leaders and lieutenants, and approximately 1,000,000 members, adherents, and sympathizers, scattered in every State and Province of the United States and Canada, and who are actively or tacitly promoting the scheme to import Bolshevism and sovietism to this side of the Atlantic.

This campaign affects the people of the Dominion of Canada as much as it does the United States. The revolutionary agents of Moscow are working as actively and energetically among the people of the one country as they are among the people of the other. Proof of this statement is found in the recent red outbreak among the misguided miners of Nova Scotia, where armed revolution was preached; where an illegal strike occurred and the red movement was only broken by the vigorous and forcible action of John L. Lewis, president of the United Mine Workers of America.

The major points in this revolutionary program of the communists as aimed against the United Mine Workers of America and other legitimate trade-unions, and the people of the United States and Canada, are:

1. Overthrow and destruction of the Federal, State, and provincial governments, with the elimination of existing constitutional forms and foundations.
2. Establishment of a soviet dictatorship, absolute in its exercise of power, owing allegiance to, and conceding the authority only to the communist, or Third International, at Moscow, as a "governmental" substitute.

3. Destruction of all social, economic, and political institutions as they exist at this time.

4. Seizure of all labor unions through a process of "boring from within" them, and utilizing them as a strategic instrument in fulfillment of their revolutionary designs upon organized and constitutional government.

5. Invasion of the United Mine Workers of America, with the ouster of its present officials and leaders and the substitution of a leadership of communists, that it may be used as an instrumentality for seizing the other labor unions of America, and for eventually taking possession of the country.

6. A well-organized movement is being promoted within the 4 railroad brotherhoods and 16 railroad trade-unions to amalgamate all railroad workers into "one departmentalized industrial union," controlled by a single leader of communist principle and affiliation, and owing allegiance to the communist organization.

7. Seizure of the American Federation of Labor, with the ouster of its officials, and through such seizure gaining control of all its affiliated units and trade-unions.

8. Conversion of all craft trade-unions into single units of workers within an industry known as "industrial unions," with coordination under a supersoviet union owing allegiance to and accepting the mandates of the Communist International and its subsidiary, the Red Trade-Union International, at Moscow.

9. Through conquest and subjugation of the labor unions and conversion and mobilization of farmers and other related groups, the overthrow of existing institutions and the creation of a condition similar to that which now prevails in Russia.

The data and the facts set forth in this and the following articles represent months of careful independent research among original documents and records covering the whole of the communist movement in America and Europe, particularly as it has been injected into the ranks of the United Mine Workers of America, the American Federation of Labor, and labor organizations in general.

The movement has been traced back to its original purposes and intents, and followed in all of its phases to its present status in this country.

Manifestoes, programs of action, communications, and revolutionary documents have been examined and compared. Through these factors it has been possible to weigh and gauge the design and purpose of the communist movement, examine its scope and range, and to determine the extent to which it has entered into the American social, economic, and political fabric, as well as to chart the major outlines of its immediate future program of action.

The menace of Bolshevism in America—the United States and Canada—is not a figment of imagination or an invention of hysteria. It is not a passing fancy or a deceiving mirage. Nicolai Lenin and his group of associates at Moscow are waging a definite contest for the subjugation and seizure of the United States and Canada. They would destroy the present governments, destroy the sovereignty and independence of the people, and, in their place, enthrone the idols and fallacies of Bolshevism.

Millions of dollars are being spent in this conquest. Much of the money is coming from continental Europe and the remainder is being collected through organizations and committees created for that purpose, or by donations and contributions of sympathetic or well-intentioned people in the United States.

Immediately before the start of the miners' strike on April 1, 1922, the sum of \$1,110,000 was sent into the United States, by way of Canada, from Moscow for the purpose of enabling the communist agents to participate in the strike. Behind this move was the scheme to overthrow the leadership of the union and then convert the strike into an "armed insurrection" against the Government of the United States.

The massacre of the strike breakers at Herrin, Ill., was engineered by these communist agents "boring from within" the miners' union. According to their own statements they were engaged for seven weeks beforehand in their preparations for a tragic occurrence of this kind at some point in southern Illinois as a means to "arousing the workers to revolutionary action." Details of this incident will be disclosed in a subsequent article of this series.

In the coal fields of southwestern Pennsylvania, where the strike started by orderly process, mine plants, tunnels, and power transmission lines were blown up, the homes of miners were wrecked, and men were beaten or injured by these communist agents in an effort, under the instructions of Gregory Zinoviev, president of the Communist International, to arouse "the revolutionary spirit of the workers and prepare them for the coming revolution in America." All

of these things show what American employers would have to deal and contend with if the communist plans were to succeed and the present legitimate American labor movement were weakened or destroyed.

Three times in three years the Bolshevik leaders at Moscow have attempted armed insurrection and revolution in the United States. The first instance was in connection with the steel strike in 1919. The second was in the "out-law" switchmen's strike in 1920; and the third was in the railroad and coal strikes in 1922. In the strikes of 1922 these communist agents were arrayed as much against the leaders and officials of the miners' and railroad unions as they were against other loyal citizens of the nation.

In each of these strikes the communist agents, working under instructions which originated at Moscow, have sought to turn them into revolutionary uprisings that would accomplish the overthrow of government in America and establish in its place a proletarian dictatorship that recognized and accepted only the mandates of the Communist International.

It may be stated, incidentally, that the growth and effectiveness of the communist movement in America has been handicapped and limited by the immutable policy of the Communist International that its chosen representatives must control everything of which they come into possession. Exercise of this control is the definite aim, and always the major consideration, in every amalgamation, reorganization, or new enterprise with which they are associated, whether it be in the seizure of a labor union, or in the promotion of the aspirations of a candidate for political preferment. They recognize no voice except their own.

The "thesis of tactics," adopted by the Third World Congress of the Communist International, at Moscow, says:

"From the very first day of its establishment, the Communist International has distinctly and unambiguously devoted itself to the purpose of participating in the trade-unions and in the struggles of the laboring masses, and of conducting this struggle on a communist basis, and of erecting during the struggle great revolutionary communist mass parties, waiving the idea of the formation of small communist sects for the attainment of influence upon the working class solely by agitation and propaganda."

Demand by the communist "inner circle" of leaders, consisting of a dozen men, for supreme authority for themselves has been the obstacle that has prevented the actual realization of their plans several times to seize organizations in this country. It was this demand that caused the minority communists to split from the majority communists in the early stages of their movement in this country, resulting in a dual movement ever since. Because of their essential revolutionary purpose and design, these communists have not believed that the control of any enterprise or agency which they might need later as a revolutionary medium could be trusted to the keeping of anyone who was not of their chosen inner circle, amenable to their discipline, and servile to the mandates of the Communist International.

This phase of policy is in keeping with their principle that the soviet dictatorship, when once established, is absolute, and does not recognize in the conduct of its affairs either the voice or the representation of the people. Indeed, their conception of the individual is that he is of no consequence to the general scheme of human affairs; that only the masses are to be taken into consideration, and they directed by the superauthority and "wisdom" of a soviet dictatorship.

Wherever possible in conducting their activities in America the communists have attempted to "bore from within" organizations already existing and to utilize them for their ultimate ends and purposes. They have been particularly active in trying to "bore from within" the United Mine Workers of America for the reasons that it is the largest single labor organization in the country, includes a larger number of races and nationalities among its members, and is the nearest approach, in their opinion, to a "one big union," which is their ideal conception of a labor union, and their objective for all labor unions. In this attempt these communists have met with the determined opposition of President Lewis and other strong leaders of the miners' union, who are determined that the union shall not be converted into a Bolshevik institution.

The same tactics have been used continuously for four years to seize and control the American Federation of Labor, the railroad labor organizations, and various other trade groups. The communists have declined to establish rival or competing organizations to these federations as long as the possibility existed that they might eventually take possession of them and annex them to

their revolutionary movement in America. Trade-unions have been regarded by the communists from the very outset as their first objective, and their eventual stronghold, in overthrowing the Government and seizing the country.

In these unions they have recognized an opportunity to get in close contact with the labor masses, establish relations and connections with them, and imbue them with hatred and hostility toward the existing order of things. For this reason, the Communist Party of America, with its allies, the Workers Party of America, the Trade-Union Educational League, and the Friends of Soviet Russia, under the instructions of the Communist International and its subsidiary, the Red Trade Labor Union International, is using all of its industrial contracts to segregate and restrict the control and management of the trade unions in the hands of its leaders and official groups.

That this design may be more easily carried out the members of these communist parties are constantly becoming members of trade-unions, thus acting in accordance with the prearranged plan of their central executive committees that they shall enter these unions, and, acting in concert, gradually absorb them as a part of the communist revolutionary movement.

The program of action of the United Communist Party, which was accepted and affirmed in slightly diluted form by the Communist Party of America in the convention at Woodstock, N. Y., in 1921, and later accepted with slight variations by the Workers Party of America, known as the "legal branch," says:

"The United Communist Party considers as one of the most serious and immediate problems the question of the best method of breaking up the bureaucratic control and transforming the union structure into a machine of revolutionary action. The United Communist Party confirms the present necessity of militant workers remaining with the large mass of organized workers, regardless of the reactionary aims of the unions, and, by determined and coordinated strength, turning these unions to the revolutionary cause. The United Communist Party, section of the Communist International, is the instrument for that coordination of the revolutionary work within the unions."

"Compulsion and force is to be applied to industrial workers to move them to become communists, according to the doctrines of the Communist Party of America. Its adherents are told:

"Obviously, many nonrevolutionary workers must be taken into the most revolutionary of unions, even compelled to join against their wills."

Conducting and promoting the revolutionary campaign in the United States is a secret party organization, directed and controlled by representatives of the Communist International. This is the Communist Party of America. It is purely a revolutionary organization, and makes no pretense at legality. It boldly proclaims to its members that it is the "illegal" party and designates itself as such. Technically, it is known as the "underground" party. This party has at its head the supreme executive revolutionary committee in America, responsible only to Lenin, Zinoviev, and other officials of the Communist International. It does not recognize any superior power or agency in the United States. Its work is done secretly; the identities of its officials and leaders are concealed behind assumed names. Its letters and records are in code letters and numerals. Its members are accepted only after investigation and examination, and remain on probation for a period of six months before they are received into full membership. Its meetings are held secretly, with the participants gathering at a preliminary rendezvous and proceeding to an assembly room known in advance only to the leader.

On the surface, working partly in the open, is another revolutionary organization, known as the Workers Party of America, and created, under instructions from the Communist International, by the Communist Party of America. It is known as the "legal" party. Its primary purpose is to shield the "underground" or "illegal" party, and conceal the revolutionary activity of the real soviet agents in America. The mission of this party is fundamentally the same as that of the Communist Party of America, i. e., to overthrow the Government of the United States, and establish a Bolshevik régime.

Joined with these two revolutionary parties, and assisting them as one of their direct subsidiaries, is an alleged labor union movement, "boring from within" the American Federation of Labor, and seeking to seize and destroy it, and enmesh the trade-unions of the United States in the Bolshevik movement, and conquest, of the United States. This organization is the Trade-Union Educational League, headed by William Z. Foster, with headquarters at Chicago.

This league is cultivated and promoted by the organizers and agents of the Communist and Workers Parties, and is the direct instrumentality of Lenin and Zinoviev, of the Communist International, and Losovsky, of the subsidiary Red Trade Labor Union International, for amalgamating the labor unions into the world revolutionary movement of the Communists.

Through this organization the revolutionary leaders in America are making a nation-wide attempt to obtain control of the American Federation of Labor, reorganize the craft unions on the basis of "one big union" in an industry, and weld them into the central revolutionary agency in America.

Working in conjunction with the two communist parties is another politico-industrial instrumentality, the Friends of Soviet Russia, an organization whose aim is to give free lectures to disseminate and propagate communistic and disloyal doctrines, designed to undermine the American Government, destroy the confidence of the people in its principles and foundation, and prepare the way for a soviet, or "proletarian," dictatorship.

The Friends of Soviet Russia is purely a communist enterprise, reorganized from the American Labor Alliance, and through the latter agency, controlled and directed by the Central Executive Committee of the Communist Party of America. It has been, and is, one of the effective agencies of the communist groups distributing disloyal and revolutionary doctrines and propaganda among the immigrant masses in America, promoting labor unrest and discord, and seeking to induct the foreign residents of the country into the Trade Union Educational League, the Workers Party of America, or other revolutionary agencies and instrumentalities under the control of the Communist Party of America.

Active among the "intellectual" classes of the country, and posing as a champion of the "liberties of speech, press and assembly," is the American Civil Liberties Union at New York. This organization is working in harmony and unity with the communist superstructure in America, engaged in the dissemination of radical utterances and propaganda, and conducting a nation-wide campaign for the liberation of Bolshevik agents and disloyal agitators who have been convicted under the war-time laws, or the syndicalist laws of different States, for unpatriotic or revolutionary activities. It is the successor of the American Union against militarism, which consistently opposed the military draft act during the war, and gave comfort and assistance to the conscientious objectors who resisted military service.

While offering aid to scores of individuals who have been arrested or convicted for violation of National or State laws, it has not in a single instance come to the assistance of a man or woman who did not profess radical sentiments or who was not allied with the communist, the anarchist, the revolutionary, or the radical movements in America.

Fifty-two persons holding a total of 325 directorates in 45 organizations are in control of the radical and revolutionary campaigns now being waged in this country. A systematic examination of the directorates of these organizations reveals the fact that they interlock into almost a single whole. While the ultraradical and discreet "liberal" groups meet occasionally, there is no real gap or breaking point, and in their general aspects they are fused into a united effort, giving mutual support to each other in their numerous activities. It is in this interlocking arrangement and mutual cooperation that the most insidious and dangerous aspect of the communist movement in America is found.

The key to the ultraradical movement in America, as promoted and fostered by the communist leaders at Moscow, is found in this interlocking arrangement. Through this mechanism these communist groups interlock also with the Communist International and the Red Trade Labor Union International at Moscow, so that the revolutionary movement in America is the direct offspring and agency of the communist régime in Russia, for the purpose of seizing and possessing themselves of the American continent through the mediumship of revolution inspired and conducted from the stronghold of Bolshevism on the other side of the Atlantic.

The details of this interlocking arrangement, together with the details of the communist activities in this country as they relate to the United Mine Workers of America, and to other labor organizations, will be set forth in the succeeding articles.

## ARTICLE II.

The United Mine Workers of America, in presenting the second article exposing the activities of the communist revolutionary organization in America, calls attention to the fact that this movement is centered chiefly around and within the productive efforts of the country, and that its advancement is being sought through the encouragement of industrial strife and the breeding of distrust and misunderstanding between employers and labor unions.

In carrying out this design the communists are as much the foe of the trade-unions as they are of the employers. Their underlying purpose is to take possession of the unions as a step toward the ultimate realization of a soviet dictatorship in America.

There are persons who charge that the United Mine Workers is a red organization and that it works, sympathizes, and cooperates with and is dominated by communists and communist influences. But this is not true. The United Mine Workers of America has no sympathy with the communist movement in any of its phases. In fact, communists recognize the miners' union as their strongest and bitterest enemy in America. That is the reason why the Moscow masters put forth such a tremendous effort to cripple and seize the organization.

The possibility that the United Mine Workers of America would not be successful in the spring of 1922 in renewing the existing wage agreement with the coal operators, and that a suspension of work at the coal mines would take place on April 1, was realized by the Communist International, and the communist superorganization in America, more than eight months beforehand. Keenly alive to the peculiar relations that existed between the operators and the miners, they foresaw the eventuality of a cessation of work.

The coal operators had carefully watched the trend of the open-shop campaign, and it had been apparent for some time, even to the uninitiated, that as soon as this movement was sufficiently entrenched in industry an effort would be made to cripple the miners' union in the hope that there might be a lower labor cost within the coal industry.

Generally speaking, a strike does not injure a coal operator. Coal in the ground does not deteriorate, and losses caused by a strike can be added to the price of the coal when it is finally mined. Consequently, the coal operator has nothing to lose, and possibly much to gain, when a strike is precipitated.

Officials of the miners' union had known for a long while that the time was approaching when the strength and cohesion of their organization would be sorely tried. It was recognized by them that if a condition arose before April 1, which made it seem reasonably likely that a strike would wreck the miners' union, it would not be unwelcome to some of the nonunion and other interests in the coal industry. In fact, if responsibility for the upheaval could be shifted to the shoulders of the union, they might quietly agitate matters so that a strike would result.

Some of the coal-producing interests were chafing under the existing agreement with the union, and it was manifest that they would welcome any move that promised to put them on an open-shop basis.

These facts were well known to the officials of the Communist International at Moscow, and to their American advisers and emissaries who were visiting them frequently for purposes of consultation about industrial and political matters in America.

It is not surprising, therefore, to find Gregory Zinoviev, president of the Communist International, secretly instructing his American agents early in 1922 to foster and encourage the threatened breach between the operators and the mine workers. With the strategy of a field marshal Zinoviev sent the following instructions from Moscow to communist agents in the United States a few weeks before the start of the miners' strike on April 1, 1922:

"The central executive committee of the Communist Party of America must direct its particular attention to the progress of the strike of the miners of America.

"Agitators and propagandists must be sent to the strike regions.

"It is necessary to arouse striking coal miners to the point of armed insurrection. Let them blow up and flood the shafts. Shower the strike regions with proclamations and appeals. This arouses the revolutionary spirit of the workers and prepares them for the coming revolution in America."

These brief instructions contain the whole communist attitude toward the strike. They show that the prime purpose was to bring about disorder, violence, and riot which could be charged up against the United Mine Workers of America.

Into this troubled situation the communist group of America, under Zinoviev's instructions, were to thrust in their entire organization, and to create a condition within the strike which would eventually eliminate the officials of the miners' union, and enable them to extend the strike into a great industrial upheaval, involving, as they hoped, all labor unions and all industry. Thus, the United Mine Workers of America was attacked by an underground enemy and had that enemy to fight at the same time that it was engaged in a tremendous contest with the coal operators. It was a significant coincidence that the two elements should attack the miners' union at the same time.

As the breach between the operators and the miners' union widened and it became apparent that a strike would not be averted, Zinoviev sent more specific instructions to America, directing that agitators and propagandists be sent into the coal regions, that the towns and village be showered with proclamations and appeals, that mine shafts be blown up and flooded, and that, as he said, "the revolutionary spirit of the workers be aroused for the coming revolution in America."

Participation of the communists in the strike started with their going quietly into the coal regions and pretending to cooperate with the officials of the union until it was manifest that the cessation of work was complete. Then they started broadcasting these regions with incendiary and inflammatory circulars, many of which were designed to breed distrust and suspicion of union officials among their followers. The more revolutionary of these documents originated at Cleveland, where the communist organization had concentrated the sum of \$1,110,000, sent into the country by Zinoviev and his associates, for the purpose of financing the participation of their agents in the strike.

Other circulars were issued in Chicago and New York. Some of them were reprinted at Pittsburgh, Uniontown, Pa., Wheeling, W. Va., and Bellaire, Ohio. In every instance they were distributed to the miners by the district, section, and local organizers and agents of the Communist Party of America and the Workers Party of America, and who acted under the direct instructions of the central executive committees of these parties.

As far as was feasible the communists fitted their plans to the program of the United Mine Workers. Uninvited and unwelcome though they were, they worked within the union, and not as a dual organization. Only by secrecy and stealth did they launch their hostile and vicious campaign. Suspicion and distrust of the union officials was spread gradually among the rank and file of the miners, largely through whisperings of attempted or prospective betrayal, or acts of bad faith on their part.

They did not want a settlement of the strike by orderly process. They wanted a continuation and enlargement of it, with themselves in control, that would finally engulf the whole American industrial structure.

Late in 1920 the communist coterie at Moscow decided to launch a new movement in America to capture the trade-unions. Their effort through their political branches to bring about an uprising in conjunction with the steel strike in 1919, and the "outlaw" switchmen's strike in 1920, had resulted in failure. Samuel Gompers with stinging denunciation had driven back the wave of communism in the unions. In only one industry, the so-called "needle trades," had the communist movement met with any degree of success, but these organizations were isolated from the rest of the labor movement.

It was therefore manifest that victory in America could not be achieved solely through the mediumship of the existing communist political units. A readjustment was necessary, and it was made. A separate organization, fashioned as a national labor movement, intended to work within the unions as a part of them—employing the process of "boring from within"—was put into the field. Samuel Gompers, they hoped, would be overwhelmed by it, for it was apparent that with his unyielding opposition the American Federation of Labor could never be seized or controlled by them as long as he remained in it.

With these objects in view, Zinoviev, Losowsky, and Lenin proceeded during the next 12 months to organize the Trade-Union Educational League. This project was put under the control of, and made amenable as far as its work was concerned, to the central executive committee of the Communist Party of America, and it remains so to-day. William Z. Foster was selected to lead this movement. In the spring of 1921 he went to Russia, and the understanding was that he went there to get his instructions for the organization of the Trade-Union Educational League, gather facts about the communist work in



Soviet Russia, the functioning of communist ideas and theories, and learn how the officials of the Communist International wanted these ideas and theories applied in America through the Trade-Union Educational League.

In Moscow, Foster was officially designated, according to Lenin's confidential messages to the central executive committee of the Communist Party of America, to lead the new "boring from within" movement in America. Their object was twofold. The communist "drive" against the labor unions in America would be fortified and strengthened, and they would be put on a more practical and effective basis for taking advantage of a coal strike, if it took place in the spring, to bring about "the armed insurrection" than they had been in the steel and switchmen's strike.

Foster began to exploit the Trade Union Educational League immediately on his return in November, 1921, saying that its purpose was to "assist in hastening the natural evolution of the labor movement from a craft to an industrial basis." He said that the purpose of his new venture was to lay the foundation for the reorganization of all labor unions into an industrial "one big union."

Foster called his first meeting of the Trade Union Educational League in Chicago on October 31, 1921, and there presented the mandate of the Red Trade Labor Union International, empowering him to form "a strong political revolutionary union in the United States, promoted through the agency of the shop steward committees." This plan is diametrically opposed to the policy of the American labor movement. His activity, he said, would not be confined to general communist propaganda, but to "special work in the formation of the activities of the American section of the Red Trade Labor Union International." He announced that he would launch a new revolutionary publication in the English language to aid him in his work.

Foster's first official announcement, a revolutionary document attacking the craft union idea, and calling for the formation of a new movement to supplant existing craft unions with "industrial" unions, or a "one big union," was issued on February 10, 1922. One week later Foster issued a second letter, with a "call to action." He said that existing unionism is obsolete and backward, and that "militants must definitely and finally rid themselves of the dual union secessional movement that has negated their efforts for so long, and further, that 'they must thoroughly organize themselves within the trade unions for the effective application of their boundless energies and dynamic programs.'" He said that the Trade Union Educational League proposed to develop craft unions from "their present antiquated and stagnant condition into modern, powerful labor organizations capable of waging successful warfare against capital."

When the miners' strike started on April 1, 1922, Foster and his coterie were ready to inject themselves into the situation and start their "militant" campaign as it had been outlined in Moscow, and developed in detail by himself and the communist organization in this country. Foster was now the great industrial organizer of the communist movement in America, with direct connection and contacts with the Communist International and its field general in command of the campaign to capture the American unions.

Loyal assistance was forthcoming from the central executive committee of the Communist Party of America. Instructions sent out on the eve of the coal strike were:

"In view of the threatened strike of the miners, the central executive committee has worked out the following plan of activity for the organization. The national industrial organizer has been placed in complete charge of all phases of the coal situation. He is to utilize to the fullest extent all his open connections in the union with the view of uniting all the left elements for coordinated support of the miners in the event of a strike. In this emergency the national industrial organizer has authority to appoint assistants without waiting for the confirmation of the CEC (central executive committee). All party channels are at the disposal of the industrial organizer for this purpose. All district organizers must carry out instructions without delay. Through our legal organ we will wage a campaign to win the railroad workers to the idea of refusing to carry scab coal. Throughout the struggle all our papers in No. 1 (Communist Party) and No. 2 (Workers Party) will be kept fully informed of the activities and developments of the situation. The national industrial organizer is preparing a leaflet and a detailed plan of operation for all our nuclei."

As a means of facilitating their campaign in the coal regions, the communists divided the country into two sections. The eastern section, with head-

quarters at New York, included the anthracite region in eastern Pennsylvania, and the bituminous fields in the remainder of the State, as well as the coal fields of Maryland, West Virginia, southeastern Ohio, and eastern Kentucky.

The western district covered the coal fields of Illinois, Indiana, and northern and central Ohio. Headquarters were at Chicago.

Major headquarters for general supervision of the strike work in these districts were maintained both at Chicago, the home of Foster, and at Cleveland, the home town of C. E. Ruthenburg, executive secretary of the Workers Party of America.

Agents from New York and Chicago, as well as Cleveland, poured into the coal fields. The New York headquarters was located in the national offices of the Workers Party of America, and specifically in the office of Carlo Tresca, anarcho-communist and political refugee from Italy, who was sentenced to the Federal penitentiary at Atlanta for violation of war-time laws. Tresca was the "field supervisor" who executed the "boring from within" plans in the eastern district as they came to him from the communist "inner circle."

Cooperating with him and giving him all possible assistance were James P. Cannon, chieftain of the Workers Party of America and member of the "inner circle" of both the Workers and Communist Parties; William F. Kruse, assistant secretary of the Workers Party of America and dominating factor in the Friends of Soviet Russia; J. Lewis Engdahl, editor of the Worker, one of the official communist organs; Ludwig Lore, member of the executive committees of both communist parties and one of the interlocking links between them, as well as editor of the revolutionary Volks Zeitung, at New York.

Cannon, whose party alias is "Cook," was in constant communication with the agents sent into both the eastern and the western districts. Lore, or "Young," provided much of the propaganda that was circulated in these districts.

Southwestern Pennsylvania from the very start was the center of the strike whirlpool. The affected area here extended from Pittsburgh and Johnstown on the north to Fairmont and Wellsburg, W. Va., and Bellaire, Ohio, on the south and west.

The Chicago headquarters were largely under the direction of John Carney, editor of the communist organ Voice of Labor, and his business manager, Nick Dozenburg, as well as Arne Swebeck, a member of the central executive committee of the Communist Party. Assisting them and acting as their chief field agents were T. R. Sullivan, communist organizer at St. Louis; Norman Tallentire, a communist organizer at Chicago; and Gus Fraenckel, an agent working among switchmen and railway employees in the Chicago district. Swebeck, Sullivan, and Tallentire were later arrested in the raid on the communist convention at Bridgman, Mich.

At about the time the strike started Peter Pascal Cosgrove, of Boston, a well-known communist agent, returned from Russia, saying that he had arranged with Lenin for the organization of the miners of America on communist "one big union" lines, and that he would cooperate with Foster to this end.

Immediately after Cosgrove's return James P. Cannon joined Alfred Wagenknecht, alias "Martin," alias "Duffy," member of the executive committee of the Workers Party and alleged correspondent for communist newspapers, who was recently expelled from the anthracite miners' convention at Scranton, Pa., and both of them departed for Russia for further conference with Lenin and his associates.

Jay Lovestone, alias "L. C. Wheat," executive secretary of the Communist Party of America, went to Berlin to get funds for strike-promotion purposes that had been left there by Russian agents.

As the communist emissaries from New York swarmed into the coal fields of Pennsylvania they attempted to gain the confidence of the officials of the union and to ascertain their plans for the conduct and management of the strike. In a number of instances they succeeded in this purpose and did make their way into the councils of local groups of the union, a situation which afforded enemies of the union an excuse for unjustly charging against it all of the crime and disorder which followed.

Everywhere that they went violence, disorder, and trouble, clashes with the police, dynamiting, incendiary fires, and injured and maimed men were left in their wake.

The New York Volks Zeitung in its issue of April 10 said:

"Right after the outbreak of the strike in the textile and coal industries the Workers Party sent its most able organizers into the strike zone to carry on their work in the sense of the party principles. Three district organizers, 5, 6, and 10, dedicate their entire energy to this task."

William F. Dunne, labor editor of the Worker, went into the Pittsburgh and Ohio regions as the chief emissary of the New York headquarters. Dunne carefully and closely examined the field and looked for the weak points in the ranks of the miners that were most susceptible to attack by the communists. Dunne made a tour through Pennsylvania and Ohio, uttering inflammatory speeches as he went and rendering confidential reports to the higher communist officials of his work and of the conditions that he found.

In the raid conducted recently by Prosecuting Attorney Gardiner and Assistant Prosecuting Attorney Myers, of Pittsburgh, on the headquarters of Fred Merrick duplicate copies of the reports sent by Dunne to New York were uncovered. These documents are now in the possession of Mr. Gardiner. Merrick is under indictment for violation of the Pennsylvania antisedition act and at liberty under bail of \$10,000. While in Pittsburgh, Dunne occupied the same living quarters with Merrick and made use of the facilities of the Workers Party district office.

Soon after arriving at Pittsburgh Dunne said that he, Merrick, and other leaders of the communist and workers parties felt that the effort to organize the southwestern Pennsylvania coal fields "was being made not because of the efforts of the officials of the United Mine Workers of America but in spite of them."

He said that while matters continued to progress as they were then doing he and the other organizers of the communist and workers parties would not interfere in any way or concentrate very much on the mine workers, but that as soon as the organizers of the United Mine Workers of America had completed their work there an intensive campaign would be started in the ranks of the miners' union to spread the strike to other industries.

"Naturally, as soon as this campaign is under way, more speakers will be brought in," said Dunne. "The officials of the United Mine Workers of America are being watched very closely for any treacherous action on their part toward the rank and file; and should any such action be attempted, they will immediately be exposed."

Tresca made his appearance in the region on May 6, when the strike was one month old. Soon after the coming of Tresca and his associate, Emilia Coda, violence started on a major scale. Miners' houses were dynamited; power-transmission lines were blown up; highways were mined with bombs, and automobiles were blown to fragments. One small car was reduced to splinters by a bomb hidden under a bridge, but the occupants escaped with slight injuries. Reports of threatened dynamittings were a daily occurrence. Families of mine officials and workers alike lived in constant terror. A state of hysteria and terrorism spread over the strike region.

The communists concentrated their activities in the vicinity of Uniontown, New Salem, Brownsville, Charleroi, and Avella. In the center of this district is the so-called coke region, where practically all of the mine workers were foreign born or aliens.

From their stronghold at Avella and cooperating with the communist group at Bellaire, Ohio, these communists engineered the raid in July on the non-union mine at Cliftonville, near Wellsburg, W. Va., in which the lives of the sheriff and a number of their own men were lost. Previous to this raid plans for its execution were made by the communist agents at Avella, Canonsburg, and Pittsburgh. This occurrence was one of the outbreaks through which the communists expected to take possession of the strike, spread it to other industries and bring about a general "armed uprising."

The American Civil Liberties Union, acting on the pretext that "free speech, free press, and civil liberty" was menaced by the efforts to suppress the violence, disorder, and trouble stirred up by the communist agitators, sent a delegation of its own to southwestern Pennsylvania to also "work from within" the strike. This organization proclaimed that it was exerting its efforts in behalf of the United Mine Workers of America and that it was trying to help "win the strike." Records seized by District Attorney Gardiner in Merrick's office at Pittsburgh include an extended correspondence between Merrick and Roger Baldwin, directing secretary of the American Civil Liberties Union. This correspondence reveals that the principal effort of the American Civil Liberties

Union in this section was to provide legal means for obtaining police permits for street meetings at which communist speakers would appear and, under the guise of assisting the miners' strike, spread their communist propaganda and revolutionary doctrines.

The relations between Baldwin and Merrick are shown to have been intimate and friendly. Not only were the communist problems of the district discussed in their letters to each other, but there is also frequent reference to the activities of Baldwin and of the American Civil Liberties Union in the correspondence that passed at that time between Merrick, on the one hand, and William Z. Foster, James P. Cannon, William F. Kruse, H. E. Keas, O. E. Ruthenburg, Charles Baker, and a dozen others of the most active of the communist and revolutionary agents who were connected with the scheme of "boring from within" the strike.

The American Civil Liberties Union is shown by the correspondence at the time to have been concerned primarily in keeping the communist agents out of the jails and prisons of southwestern Pennsylvania after they were sent in there by the revolutionary organization in this country.

Careful scrutiny of the letters that passed between the communist agents and their superior officers in New York does not in any single instance show where they sought to establish an open or frank contact with an official of the United Mine Workers. On the other hand these letters furnish adequate evidence that when they did establish contacts with union officials it was for the purpose either of inveigling them into the communist movement or placing them in a compromising status where suspicion and distrust of them and of the union could be aroused in the minds of the rank and file of the miners and they be forced to relinquish their positions.

The communist group in this region constituted an "inner circle," working in accordance with instructions from Lenin and Zhenovlev to seize control of the strike and to make certain that there was no settlement until the officials of the union were thrown out; the trouble spread into other industries, and a general uprising of workers precipitated throughout the country.

In the next article of the exposé of the communist revolutionary movement in America the United Mine Workers will reveal the conspiracy that brought about the uprising at Herrin, Ill., resulting in the death of more than a score of men.

#### ARTICLE III.

The United Mine Workers of America in continuing the revolutions of the communist revolutionary movement in America as it relates to the miners' union and other labor organizations presents here the facts in the conspiracy which caused the loss of the lives of 22 men at Herrin, Ill., on June 21, 1922.

The United Mine Workers of America, as an organization, has been mercilessly attacked and condemned for the Herrin massacre when in fact the miners' union was in no manner responsible for what took place. This revolting, inexcusable, terrible crime was fomented, promoted, and caused solely by communists. It was a carefully planned affair, schemed with all of the diabolic cruelty and disregard for law that characterizes the activities of the communist movement.

Participating in the events which led to the slaughter of these men were 67 members—virtually all of them of Lithuanian nationality—of the local chapter, in the town of Herrin, of the Communist Party of America, together with 10 other communist agents and organizers who had been sent in from Chicago by the communist organization for the purpose of arousing the local communists, and precipitating an attack upon the strip mine of the Southern Illinois Coal Co.

All of the 67 local communists, as well as the 10 imported agents, were members of what is known as the Bolshevik Lithuanian branch of the Communist Party of America. They accept the decisions of the Communist International, proclaim allegiance to the Communist Party of America and adhere to its mandates and party principles.

For more than seven weeks preparations had been in progress in Franklin and Williamson Counties, in southern Illinois, to bring about the attack upon the strike breakers and armed guards who were at the strip mine after the coal strike started on April 1. Violence, disorder, and trouble were rampant in southwestern Pennsylvania. Communist groups in New York, Cleveland, and Chicago were active in their efforts to cause the strike in southwestern Pennsylvania to expand and grow into a great revolutionary movement in which

the original causes for the cessation of work in the mines would be lost sight of, and an armed insurrection, having for its purpose the establishment of a Bolshevik régime or dictatorship in this country, and enforced recognition of the Russian dictatorship and the Communist International would be brought about.

The plan was to have simultaneous uprisings in southern Illinois and, if possible, in the vicinity of Bellaire, Ohio, which was also a hotbed of communist agitation and propaganda, and in the region surrounding Uniontown, Pa.

A telegram sent to the local union officials at Herrin by President John L. Lewis, of the United Mine Workers, placing the workers of the strip mines in the category of "strike breakers," was shrewdly twisted and distorted, according to the boasts of the communist leaders at Chicago, into an "invitation" to attack the strip mines and the workmen employed there.

Officials of the United Mine Workers had no intimation that an attack upon the strip mines was contemplated, or that a conspiracy within the Communist Party of America existed at the time to precipitate a tragedy, such as took place on the day after the telegram of President Lewis was received.

Headquarters for the participation of the communists in the miners' strike in Illinois, Indiana, and northern and central Ohio was at Chicago.

William Z. Foster was the dominating figure in the situation. Through the medium of the strike he proposed to gain a strong foothold in the miners' union for the recently organized Trade Union Educational League, and the convert the miners' union into a "one big union" center around which would gradually be mobilized the trade-unions of America, reorganized in accordance with this idea.

Foster's right-hand men in the movement in Illinois were Earl Browder, editor of his official organ; Thomas R. Sullivan, communist organizer at St. Louis; and Norman Tallentire, a communist organizer at Chicago. Jack Carney, editor of the revolutionary Voice of Labor at Chicago, and his business manager, Nick Dozenburg, were active figures in the organization. The chief field agent was Arne Swabeck, member of the central executive committee of the Communist Party of America, while other agitators associated with the "boring from within" work in the strike were Oscar Larson, of the Young Communist League; Nels Kjar, who had been convicted in the Cook County courts for conspiring against the Government and the county during the war; Gus Fraenckel, an agent among the railway employees, and Charles Krumbeln, a district official of the communists.

Carney was instrumental in the preparation and printing of communist circulars and dodgers for distribution in the strike region and designed to undermine the leaders of the miners' union and throw the organization into the hands of the communists.

This program was not confined to Chicago—it was the program of the Communist Party all over America. For two years the communists had searched for a way to seize control of the miners' organization, and the strike was being taken advantage of as the supreme opportunity in this direction. If they succeeded, the miners' union would become the foremost revolutionary agency in the country and "militancy" among labor unions for the overthrow of the Government would become an established fact.

Foster and his group, through the Trade Union Educational League, adopted the policy of urging the miners to resist any settlement of the strike by the recognized leaders of the union, and to spread propaganda and misleading information through the ranks of organized labor that President Lewis and his associates were engaged in a deep-laid scheme to betray the members of the miners' union.

At the same time all communist agents were actively working to expand the strike into a revolutionary uprising, starting in a few localities and gradually spreading to other labor unions and developing into a nation-wide outbreak of organized labor.

Such was the Herrin affair, and such was the purpose behind it.

On April 4, 1922, Swabeck mailed from the office of the Voice of Labor, in Chicago, 60,000 copies of the inflammatory leaflet, "Miners, strike to win." Throughout the strike this office was one of the major points from which the communist campaign among the miners in southern Illinois was carried on.

Swabeck went personally into Franklin and Williamson Counties, visiting the towns of Christopher, Zeigler, Sesser, Marion, Herrin, and other points where large numbers of miners were idle.

In Franklin County he was joined by Sullivan, of St. Louis, and Tallentire and Fraenckel, of Chicago, as well as other individuals who had been imported to spread communist propaganda among the miners.

Early in May the boast was made in the office of the Voice of Labor that the Illinois coal fields would soon be dominated by the members of the Communist Party, as the membership of the United Mine Workers was being steadily fed with communist propaganda and it was bearing fruit. Many communist groups had been started among the miners, it was stated, and all of them were acting in the capacity of recruiting units for the "illegal" or Communist Party.

The intent of the communists in the strike was established in a meeting under the auspices of the Workers Party of America in the Ashland Auditorium, at Chicago, on March 26, where Swabeck and Krumbein were the speakers. Swabeck said that "armed insurrection will be forced upon the workers to use in this strike." Krumbein asserted that "solidarity" would be used as the motto of the communists in the coal strike. Solidarity as used by the Communist International, and the Communist Party of America, means "mass action for revolutionary purposes."

Kjar's task was to mobilize the various organizers and agitators of the Communist Party for work among the miners. In this he was assisted by Krumbein and Larson.

Carney went into southern Illinois about May 20, posing as a correspondent of the Federated Press, but for the real purpose of urging the miners there not to make a separate agreement with the operators until, as he said, a complete settlement of the strike could be effected. The aim of the communists was to keep the strike going until their seeds of revolution could sprout sufficiently to prevent any settlement of the strike being reached.

Another agent of the communists who went into southern Illinois was Browder, who, in a speech at a communist gathering in Christopher early in May, accused the officials of the miners' union and the American Federation of Labor of treachery. He said that "the miners' salvation is in an organization which will be unified with all the industrial workers of the world, and aiming at social revolution and the workers' republic." Browder was followed on the stage by Sullivan, who made a speech for solidarity, and urged the miners to become members of the revolutionary parties.

This agitation under the active efforts of the communists continued during May and June. The strike area in southern Illinois was carefully examined, and the points where riot, violence, or armed insurrection might be started were charted and catalogued. In the list of these places were Christopher, Zelgler, Sesser, and Herrin.

Continuation of work in the strip mine at Herrin had been a source of irritation to the striking miners in that vicinity. The communist agents were quick to realize this situation and to seize upon it as a means of propagating their doctrines and increasing their influence with the idle miners.

With the local Lithuanian miners as a nuclei, a Communist Party chapter was organized in Herrin, holding its meetings secretly in the Lithuanian language, but taking its instructions from the agents of Dozenburg in the office of Carney at Chicago. Quietly and silently they worked among the idle miners at Herrin, preaching insurrection and armed attack upon the strip mine, where coal was being produced.

Swabeck and Fraenckel were spending most of their time in the vicinity of Herrin, returning to Chicago each week end for conferences with the communist leaders there.

In June a query as to the status of the men employed in the strip mine was made of President Lewis. He replied to this query, classifying the situation as one of strike breaking. This telegram was immediately pounced upon by the communist agents in the vicinity and distorted into an excuse for an armed attack upon the strip mine.

The workers there were captured, and under the leadership of the 19 communist agents who, according to Dozenburg, had been imported for the purpose of starting armed insurrection and revolution, the men were shot down.

It is certain that there always will be some form of organization of labor in America. Employers may well ask themselves whether they would prefer to deal and negotiate with labor in its present form or with labor organized and controlled by those who are capable of doing what was done at Herrin.

That night and the next day there was rejoicing in the office of the Voice of Labor in Chicago. The armed insurrection that had been carefully planned

was at hand—it had actually started. Dozenburg proclaimed that the new communists at Herrin had proven that they were real communists, and that now the revolutionary work must be spread to Indiana and Ohio.

Very clever tactics had been used by communists in assisting rioters, and the next step must be to shift responsibility from the men who committed the crime and put it "on the slain men," and to prevent the punishment of any of the men who were implicated in the massacre.

Dozenburg expressed confidence that no one would be punished for the crime, for the communist grip was strong in Herrin, and "our people working among the miners used clever tactics in assisting them, and are using the party tactics to influence the public officials."

"Our great advantage is," said Dozenburg, "that the head of the mine workers, Lewis, sent a telegram there. This was used as an opportunity by our people by which they easily could be covered in their action."

Dozenburg then went to the center of the affair.

"We have 67 members of the Communist Party in Herrin," he said. "They are all Lithuanians, besides the 19 sent down from here. The 19 sent down from here represent the Lithuanian bureau of the Communist Party. They are all members of the Lithuanian Federation of the Bolshevik faction of the Communist Party."

Amalgamation of the coal miners, railroad workers, marine transport workers, and farm workers into a single organization for a general strike was the program of the communists at the outset of the strike. Lenin's instructions, when he sent \$1,110,000 into the country for strike promotion purposes, called for this kind of an amalgamation. And from the outset of the coal strike the communists were as actively "boring from within" the ranks of the marine transport workers, railroad workers, and farm workers as they were among the coal miners. Communist elements in all of these unions received instructions from the central offices in Chicago and Cleveland to join in a united effort to promote and stir up a general strike in all industry. The magnet used to attract union members to this program was the "one big union" or "militant union" idea. The emissaries among farm workers preached "cooperative" effort in production and marketing, which, as taught by the communists, means eventual confiscation of the land of the man who fails or refuses to join in the communist "cooperative" scheme.

The movement for general amalgamation was specifically in charge of the Trade Union Education League, and throughout the miners' strike Foster concentrated his efforts on its promotion and furtherance. Foster did not confine himself simply to the coal union during the strike. His function was to extend it to all unions, if possible, and bring about a general strike that would eventuate into armed uprising.

The marine transport workers were already organized as a "one big union," so that additional communist efforts in this direction was not necessary. The coal miners were considered sufficiently mobilized in a "one big union," if the organization of the United Mine Workers could be captured.

But a different condition existed among the railroad workers. Four brotherhoods and 16 unions were established there. In order to control them as a unit and mobilize them into the Foster "one big union" scheme, a plan for a single "departmentalized industrial union," since known as the Minnesota plan, was evolved.

With the impetus and fresh courage given to the communist agents by the Herrin massacre, their efforts among the railroad, marine transport, and farm workers were redoubled. Some of their ablest agitators were withdrawn from among the coal miners and sent among the railroad workers. One agitator among farmers, at Washington, was sent into California to work among the agricultural interests there. Invariably the work among the railroad workers was designed to shake their faith in their officials and recognized leaders and turn them to Foster and his Trade Union Educational League. The Herrin massacre had demonstrated that the miners were capable of armed uprising. The plan was to bring about in some quarter, preferably an important railroad junction point like Chicago or Pittsburgh, a similar outbreak among railroad workers. Communist papers and publications teemed with propaganda designed to further the general idea of armed uprising. It was recognized that, if an uprising came about, it would not be supported by the legitimate officials of the affected unions, and that thus the communist agents would have the opportunity to slip into places made vacant by ousted officials.

The idea to forcibly seize the memberships of the unions had not yet made its appearance among the communists. That came later, in November, after they had failed in all their efforts during the summer. They only proposed then to undermine the union officials by winning the rank and file of their members from them.

Later, however, they decided to throw out by any means possible the leaders of the unions and forcibly to seize records, offices, and positions, and that is the plan on which they are working to-day.

The convention of the agents of the Communist International and leaders of the Communist Party of America, at Bridgman, Mich., last August, constituted one of the greatest conspiracies in the history of the United States. The raid upon that convention by the sheriff of the county in which it was held was one of the greatest blows that the communist organization in America has ever received.

Intent upon promoting the general uprising of all coal mine, railroad, marine transport, and farm workers, and carrying their aim to a successful realization before the coal and railroad strikes could be settled, their revolutionary sittings were suddenly cut short by the appearance of the Michigan sheriff, who confined them in the local jail and compelled them to shift their activities from the promotion of industrial revolution to the raising of money for bail purposes and preparing a defense in an effort to escape imprisonment under Michigan's criminal syndicalism law.

But the matter did not end there. The coal strike was settled soon after the Bridgman raid, despite every effort on the part of the communists to prevent a settlement, and the miners returned to work.

In November, however, they were busily plotting for another strike of the coal miners on April 1, 1923, supported by a railroad strike brought about by the "one big departmentalized union" of railroad workers.

Plans for this strike were being actively laid, emissaries were hurrying to Moscow for consultation with Lenin, Zinoviev, and Losowsky. "National" conventions were being arranged for at Chicago and Cleveland. A national farmer-labor party to draw together the farm workers and the industrial workers was being promoted by Foster, funds were being sent into the country from abroad, or raised by so-called national defense committees, labor defense councils, or miners' relief committees.

Among themselves the communists were confident that the United Mine Workers would not be successful in making a new wage agreement with the operators to go into effect on April 1. Their party press was filled with propaganda designed to close the ranks of the communists for the coming crisis on April 1.

A new contract between the United Mine Workers and the operators was effected, however, in the New York conference in January, and with it went glimmering the hope of another industrial upheaval in 1923.

Half-hearted efforts were made by Foster and his followers in the railroad unions early in November to precipitate a general strike of the railroad workers. It was decided, however, to abandon this attempt and to call a convention in Chicago on December 9 and 10 for the purpose of organizing an independent "one big union" movement among the transportation workers.

G. H. Kennedy was chosen as president of the new organization, which was brought into existence at the Chicago convention. O. H. Wangerin was selected as secretary-treasurer. Headquarters were established at St. Paul, from which place the campaign is being carried on now.

In the succeeding story the United Mine Workers of America will present the details of the efforts that have been made by the communist organization since January and are being made at this time to seize possession of the union and attempt again to put through the program which failed in the miners' strike last year.

#### ARTICLE IV.

Collection of money from the American people for the promotion of the revolutionary movement in this country has become an organized industry in the last two years.

The sum which is being annually derived in this manner runs into millions of dollars, with only an approximate idea as to its aggregate. In addition, millions of dollars are being sent over from Moscow and other Bolshevik centers in European capitals.



The United Mine Workers learn from an authoritative source that the money from abroad is coming in through the usual international banking channels, originating in Moscow, Berlin, or Stockholm, and that it is distributed to the accounts of various individuals in different banks after it reaches this country.

Part of the money with which the communists have attempted to get control of the United Mine Workers has been collected from the miners themselves in the belief that it was to be used in the upbuilding and strengthening of their organization, and for entirely legitimate purposes.

One such collection agency as this is known as the Miners' Relief Conference, a communist enterprise that has been operating in the Pittsburgh region since last August. The conference has been one of the most important channels through which money has filtered into the communist organization for destructive work within the miners' union.

Efforts of the communists to get control of the United Mine Workers have continued without interruption since the strike of last year came to an end with the agreement at Cleveland. In the first two months of this year these efforts centered on the proposition of bringing about an "outlaw" strike on April 1; later, to drive a wedge into the United Mine Workers through advocacy of the expedient of Government ownership of mines.

The strongest efforts of the communists to get control of the miners' union have been exerted in the last eight months. William Z. Foster, industrial organizer for the Communist International, has been at the head of the enterprise. The principal scene of action has been in southwestern Pennsylvania. The vehicle of the movement has been the Miners' Relief Conference, and the magnet for attracting the miners has been that of Government ownership of the mines.

The United Mine Workers have not approved or adopted any plan for nationalization of the mines. At the international convention two years ago, a committee was appointed to make a study of the subject, and submit a report, with recommendations, at the next convention, to be held next January.

Notwithstanding the fact that the miners' union is seeking to reach a conclusion on this proposition in an orderly way, the communist organization has concentrated all of its resources to the end of forcing the union to acknowledge it as the chief objective of the mine workers of this country.

The "drive" this year for the absorption of the miners by the communists was launched by Foster and his associates at Pittsburgh on February 10. A conference was held there at that time which was attended by Foster, with Fred Merrick, communist organizer at Pittsburgh; Thomas R. Sullivan, communist organizer at St. Louis; Norman Tallentire, communist organizer at Chicago; Freeman Thompson, of Springfield, Ill.; and delegates from mining fields in Ohio and Pennsylvania. The purpose of the conference was to extend the communist movement into all of the districts and locals of the union, and engulf it in a wave of ultraradicalism.

Two delegates from the anthracite region were present, and they gave assurances that the hard coal mines would be shut down on April 1 in connection with the proposed strike. But this proposed "outlaw" strike did not occur.

Three things were decided upon at this conference:

1. Establishment of headquarters for organizing activities at Pittsburgh, and the carrying on of an aggressive campaign to reorganize the miners' union in accordance with communist doctrines.
2. An effort to bring about a general strike on April 1.
3. The holding of a convention of miners' delegates of the United States and Canada in Pittsburgh during the first week in June, and launching a new international organization within the union which would gradually absorb it and eliminate its international and district officials.

Foster said at this conference that "wonderful progress" had been made among the miners in the Pittsburgh region, and that with the international convention in June he expected to arouse sufficient support in the union to enable him to control the policies of the next biennial convention in January, and establish himself as the dominant factor in the union.

Although a working agreement for the coming year had been made by the union and the operators two weeks before in a wage conference at New York City, plans for an "outlaw" strike on April 1 were frankly discussed by Foster and his associates at the conference.

"We must have no settlement of this strike until an agreement can be negotiated, under the charter of a new union having one of our own men as its leader," said Merrick.

The scheme by which it was proposed to set this strike going was to induce President Lewis to reestablish the strike of 1922 in the coke-producing region of Pennsylvania. Under the agitation of the communists it would be spread to the other coal fields by April 1. Behind this plan was a scheme of Foster's to spread the strike to other industries and bring about a general tie-up of industry during the summer.

Simultaneously with the conference at Pittsburgh the communist publications started a campaign to discredit President Lewis among the miners of the union, and to force him to reestablish the strike in the coke region as a means of protecting his influence with the miners there. J. Louis Engdahl, member of the central executive committee of the "legal" Communist Party, and editor of the "legal" communist organ, *The Worker*, said:

"Every militant trade-unionist must stand aghast at the tyrannous measures used by the high officialdom of the United Mine Workers of America in driving the Fayette County strikers back under the slave whips of the Standard Oil Co. and of the United States Steel Corporation."

Nationalization of the mines was decided upon at the conference as the principal issue of the communists in driving their wedge into the miners' union. In the official platform which was adopted there nationalization was made the chief issue. On this question the platform says:

"To meet this situation of demoralization a radical change must be made in the coal industry. There is only one solution at this moment that is possible, and that is nationalization of coal mines.

"Against this plan will be marshaled all the forces and resources of plutocratic America. The capitalist press and its journalistic hirelings, together with an army of retainers composed of the intellectual and political prostitutes of Wall Street, are flooding the country with an avalanche of lies, slander, and misrepresentation against nationalization. Corrupt and reactionary labor leaders are also opposing this plan, and every honest trades-unionist who espouses the cause is marked for persecution.

"In advocating nationalization of coal mines, the progressive coal miners mean the operation of the coal mines under the direction of competent union miners, and not under a commission composed of the usual lawyers, bankers, and politicians. A political bureaucracy sitting at Washington as directors of the coal industry would be a monstrosity worse even than the abortion known as the "Railroad Labor Board," and would never be tolerated by the rank and file of the United Mine Workers of America.

"Nationalization of coal mines as a political program will be a failure unless it includes genuine democratic management of the mines. Since the efficient operation of the coal mines is only possible by those who have had experience in digging coal, we demand that the program of nationalization of coal mines shall provide for the operation of the mines entirely under the direction of union miners, who alone are possessed of the technical, mechanical, and manual skill necessary for the successful operation of the mines."

Foster and Merrick started their campaign in southwestern Pennsylvania with a bang. Alexander Howat, deposed president of the Kansas miners, was brought into the region as the chief speaker and missionary. Meetings were held in Fayette, Westmoreland, and other counties in the interests of the movement. Speakers appeared before local unions, and under the pretense of reorganizing them among "militant" lines a communist nuclei was established in many of them.

Efforts were made also to extend the movement to Ohio, West Virginia, Indiana, Illinois, central and eastern Pennsylvania, and to Nova Scotia and Alberta. Contacts were established with local union officials and State board members in Illinois; with H. E. Keas, a communist agent in Ohio; E. R. Fay and R. P. Alcock, in Alberta; and with J. B. McLachlan, Alexander McKay, and Angus McLennan, in Nova Scotia.

Arrangements were made through McLachlan and McLennan for Howat to invade Nova Scotia in April and May to promote a communist organization there in conflict with the authority of the international officials of the United Mine Workers. McLachlan sent \$200 to Merrick to defray Howat's travelling expenses, but Howat insisted on Thomas Myerscough, an aid of Merrick, accompanying him, and McLachlan was asked to contribute \$600 more.

Howat failed in his efforts to gain entry into Canada because Canadian immigration authorities kept him out, and he returned to Pittsburgh. There he

continued his campaign to overthrow the leadership of the miners, and to carry out the program of the conference of February 10.

In the files in Merrick's office which were seized at Pittsburgh was a letter written by E. R. Fay, of Newcastle, Alberta, Canada, wrote to Myerscough, asking for a program of the insurgents, "and all necessary information to start the ball rolling to get rid of John Liar Lewis and his gang of skunks." Fay said, "He acted on the recommendation of Tim Buck, the national industrial organizer of the Workers Party of Canada."

Merrick's first move for the seizure of the miners' union at Pittsburgh was to initiate a demand for a recount of the votes in the district election on December 12. He described his faction as the "progressives" and announced that "It has been decided to circulate petitions at once to recall all of the present officials of district 5 for improper conduct, especially in connection with the Fayette strike."

When the strike was settled at Cleveland last fall the communists bent their efforts to persuading the miners in southwestern Pennsylvania to refuse to return to work. The Miners Relief Conference was organized early in the fall on the pretext that it would provide a means of subsistence for the men and their families who refused to go back to work. J. A. Hamilton, a former school-teacher, was selected as secretary. Hamilton had direct business connections with Foster, and was known as his representative in the Pittsburgh region.

Scores of miners in southwestern Pennsylvania followed the prompting of Merrick and his aids not to return to work. Limited sums of money were supplied to them by the Miners Relief Conference, although an examination of such records as were kept show that in virtually every instance the relief donations were confined to miners who were either communists in principle or were agents in their neighborhoods for the communist organization.

Inspection of the records of the conference fails also to show even the simplest forms of bookkeeping in accounting for the moneys and supplies that were received. While considerable sums of money were contributed by sympathetic men and women who heeded the appeals that were broadcasted over the country, the records of the contributions are either on scraps of paper or found in the original letters of the donors.

The kindly heart of Mrs. Sarah Hyams, 252 West Seventy-sixth Street, New York City, responded to the "touching" appeal of Hamilton for money, and on October 9 she sent her check for \$500, saying:

"I had some money which I had made up my mind to use where it would do the most good. When your letter came I felt that this is where it should go. It does not seem possible that the conditions stated by you and by so many others could exist in a country as rich as ours, or that people could be so heartless. I only hope that you will get all of the help you need, so that some of this awful poverty may be relieved."

Hamilton sent Mrs. Hyams a statement on November 3, which purported to cover the expenditure of \$126 of the \$500. He explained that \$50 had been given to George Lutz, an idle miner at Republic, Pa. Lutz was one of the most active agents of Merrick and Hamilton in that region, and recognized as aiding them in their movement.

Miss Maude Tollefson is a teacher in a private school at Peekskill, N. Y. She was the recipient also of one of the "touching" letters of Merrick and Hamilton, and on November 7 sent in a donation. Hamilton in his reply so impressed Miss Tollefson with the worthiness of this enterprise that she appealed to her friends to join with her in making contributions. In writing to Hamilton on November 16 she said:

"By the middle of next week I will have some clothes collected from the teachers here, and possibly from friends in New York City. Will you let me know whether to send them to you, or to J. M. Giesel, whose picture you sent me with the address on the back. Also, I have sent word to my mother in South Dakota to send what she can find. I am sure she will do so."

Hamilton was the recipient also of considerable sums of money from Louis Gruss, alias "Willard," formerly of the Friends of Soviet Russia, and secretary of a so-called miners' relief committee in New York. Gruss sent to Hamilton, according to the records of the latter, a total of \$1,450, but later begged Hamilton for a loan of \$100 to defray the expenses and hall rent of a meeting in New York City where Howat would speak.

Appeals were sent by these communists to local unions of the United Mine Workers in Pennsylvania, Ohio, Indiana, Illinois, and West Virginia, asking

that arbitrary assessments for "relief" purposes in the coke region be laid on the memberships, and the money remitted to Merrick and Hamilton. Some of the local unions were induced to do this, with usually an assessment of 25 cents a member. Local unions in Franklin and Williamson Counties, in Illinois, and in the vicinity of Bellaire, Ohio, sent sums of as much as \$300 each.

The relationship between Merrick and Hamilton, and the communist organization, is shown in their connections with the Labor Defense Council at Chicago. A few days after the raid upon the communist convention at Bridgman, Mich., last August, the National Defense Committee, a communist agency, was reorganized into the Labor Defense Council.

The council launched on the task of raising \$200,000 for bail purposes at Bridgman, and to employ lawyers and provide funds for the trials of the individuals who had been caught in the sheriff's drag-net. Explicit instructions were sent to every communist agency in the country to "get busy" at the task of raising money for this purpose. Organizers and district officials were told by the communist central organization to give unqualified support to the demands of the Labor Defense Council. As far as possible donations were to be sought from the labor unions on the claim that the raid on the revolutionary gathering at Bridgman imperiled the cause of organized labor in this country.

Moritz J. Loeb, secretary of the Labor Defense Council, wrote to Merrick and Hamilton on December 6, as follows: "Comrade Ruthenberg has assured us that the Workers Party organizers will be held responsible for activity toward the organization of Labor Councils in their districts. We have seen a copy of the letter at the national office of the Workers Party sent out in this respect. It is our understanding that you are the district organizer of the Pittsburgh district and we would very much like to have you take responsibility toward organizing the Labor Defense Council in your district, seriously."

A week later Loeb wired to Merrick, as follows:

"Five men remaining in Berrien jail can all be released for \$15,000. Exert every effort. Raise everything possible, cash or Liberty bonds. Send us what you have immediately. We must get men out by Christmas. Put on small drive. Do your part and we succeed."

Early in January the Labor Defense Council sent Tom Tippet, business manager of the Federated Press, into the Pittsburgh district as its special agent to assist in the money raising. Merrick and Hamilton were told to give their support to making the Tippet meetings a success. On this point, Loeb said:

"Please do not be too economical in your advertising of the Tom Tippet meeting. We are particularly anxious that you should get out a good crowd, even though the financial returns on the investment are not of the best."

Advertising matter was sent to Merrick by Loeb which stated that "the reporter for the labor press on the Herrin trial will come to Pittsburgh to tell of the nation-wide attack on labor, the open shop drive of which Herrin, W. Va., and the Bridgman raids are only the outstanding examples. No better representative of the working class can tell this story, as Tippet has been an actual observer of the major campaigns which have been calculated to destroy the labor movement."

The extent to which money was diverted from the Miners Relief Conference at Pittsburgh into the coffers of the Labor Defense Council for use at the Bridgman trials, or into other communist channels, can not be definitely ascertained from the records in the office of Merrick and Hamilton. However, Hamilton in a letter on January 7, said:

"This relief work has succeeded much beyond expectations, as we have sent into Washington, Allegheny, Westmoreland, Fayette, and Greene Counties, nearly \$9,000 worth of various kinds of relief. Besides we have thrown some hot shot into the contemptible official circles, and in this way helped considerable in getting the union to give what scanty support it is giving to the Fayette County men.

"This sort of activity is what makes me satisfied with my affiliation with the Workers Party as I have never been either as a member of the Socialist Party, or as unaffiliated. The Workers Party is endeavoring to day by day take part in the struggles of the working class in such a manner as to assist most in the final overthrow of capitalism."

The data at hand show that Merrick's and Hamilton's work for the Miners Relief Conference was so intimately associated with their work for the Labor Defense Council that it is difficult at times to distinguish between them. Hamilton gave as much time and effort, according to his own reports, to the promotion of the Labor Defense Council, purely a communist enterprise, as he did to the Miners Relief Conference.

The correspondence shows that while Merrick and Hamilton were appealing to the people of the country for money for the relief of "starving miners," they were also holding mass meetings in the same region to collect money from these "starving miners" to remit to the Labor Defense Council at Chicago.

When Merrick declined to approve the suggestions that another agent of the Labor Defense Council be sent into the Pittsburgh region, he gave as his reason that they were then collecting all the money from these "starving miners" which he believed it was possible to do.

Merrick in carrying on his work maintained close contacts with Ruthenberg, William W. Weinstone, James P. Cannon, J. Louis Engdahl, William Z. Foster, and William F. Kruse, of the communists organizations, and with Roger Baldwin, of the American Civil Liberties Union. Merrick was in frequent correspondence with Ruthenberg during last winter and spring concerning the details of the communists campaign in the miners' union. Ruthenberg was irritated at the resistance offered by the United Mine Workers to the distribution of radical literature by Merrick, and on February 10 he wrote to Merrick, as follows:

"Certainly we can not agree with your viewpoint in regard to the defense nor with the action of the district executive committee in ordering the discontinuance of the distribution of the program in the Pittsburgh district. There has been distributed by the communists movement in the United States literature that was considered even more radical than the program could be, and ways and means have been found in which to make the distribution. Certainly we should not because of attacks of the authorities and the arrest of three of our members permit that to interfere with the continuation of our work. That is not the communists attitude. The communists viewpoint is to continue the work of the movement irrespective of what the authorities say or do in persecuting our party. This does not mean that you need to make the distribution in such a manner as to expose the members to arrest, but certainly you should not allow such a little thing comparatively as has happened in your district to interfere with the continuance of the work."

The American Civil Liberties Union was called upon by Merrick to give assistance in freeing the radical agents and emissaries who were arrested in the Pittsburgh region. A small loan was made to Merrick in one of these cases from the Garland Foundation fund. In writing to Baldwin for a renewal of the note covering this loan on January 13, Merrick said:

"Due to the terrific fight that developed in the election campaign in district 5 of the United Mine Workers' of America, we are compelled to go to the miners for every cent we can get to carry on the fight of the progressive miners. As a result of it, we have won the election. While the machine, one of the most corrupt in the United Mine Workers' of America, claims victory by a small margin, we have proof that they were defeated and will carry it to the international executive board."

Baldwin replied that the board had agreed "with pleasure to extend your note for 60 days."

In writing to C. E. Ruthenberg on August 10, Merrick said, with reference to Roger Baldwin, managing director of the American Civil Liberties Union and the Garland Foundation:

"In answer to my letter to Baldwin concerning the \$2,000 to the Garland fund I got the information that the money has already been voted to be used exclusively in district No. 2 in central Pennsylvania. I can not blame Baldwin, for Brophy, the president of the organization, is a fine fellow and has cooperated with the Civil Liberties Union all along while the district officials here have refused to help at all."

Baldwin was also called upon by Merrick for a loan to finance the election contest in the Pittsburgh district against the officials of the United Mine Workers. The board of the Garland Foundation fund refused to make this loan, however, and Baldwin advised Merrick to this effect.

Merrick's relations with James P. Cannon, known as "the paymaster" of the communists, during the eight-month "drive" have been equally intimate and business-like. Cannon was the individual directly responsible for sending Wil-

ham F. Dunne into the Pittsburgh region at the start of the miners' strike in 1922. In writing to Merrick at that time concerning Dunne's prospective visit, Cannon said:

"We fully appreciate the importance of the Pittsburgh district in the present coal situation and want to help you in every way possible to make the most of the possibilities offered."

In the next article dealing with the communists' revolutionary movement in this country, the United Mine Workers will present the facts concerning the "boring from within" campaign as it relates to all trade unions and labor organizations in the United States, and the interlocking directorates and the mechanism by which these organizations are bound together and conduct their work virtually as one departmentalized unit.

#### ARTICLE V.

The Communist Party of America was created for the purpose of taking possession of the United Mine Workers of America, the American Federation of Labor, and the labor unions of the country, and through them overthrowing the Government of the United States.

This has been its continuing purpose since the days in May, 1921, when it was brought into existence on the top of Overlook Mountain, in the Catskills, near Woodstock, N. Y.

The decision of the Communist International to organize a secret or "underground" party in America was due to the fact that its manifestoes and communications to this country, as well as the program of action of its political units and groups, advocated the overthrow of the Government by force, violence, and armed insurrection, and made its members subject to prosecution in many of the States or to deportation at the hands of the Federal Government.

The courts of the country had judicially held that the purpose of the Communist International, on its own declarations, was to overthrow the Government, which made membership of an alien in the Communist Party grounds *per se* for deportation.

The United Mine Workers of America are in possession of original and authenticated copies of the manifestoes and communications that were sent to America by the Communist International at the time the Communist Party of America was brought into existence. These documents establish clearly what the purpose of the party was. And the manifestoes and communications that have been received from Moscow since that time show that its intent and purpose has continued to be the same that it was when it was organized.

Seventy communist leaders, representing the two factions of the Communist Party, and the United Communist Party, gathered in the ancient hotel on the top of Overlook Mountain on the morning of May 15, 1921, to compose their differences and unite in a single group, to be known as the Communist Party of America. This assembly was not only at the command of Lenin and Zinoviev, of the Communist International, but it was accompanied with the threat that if the factional differences were not put aside and a united front presented for invading the labor unions of the United States, no more money would be forthcoming from Moscow for financing the revolutionary movement in this country. Up to that time Moscow had contributed money to both of these factions, but had decided that their hostility to each other was neutralizing the results of their work.

Charles E. Scott, member of the Pan-American Bureau, or supreme communist agency in the Western Hemisphere at that time, appeared at the convention as the personal emissary of Lenin and Zinoviev. Scott possessed the power to break deadlocks and force an amalgamation of the two factions.

Scott was essentially a fighter. He was a practical man, and a man of few words. There was nothing of the theory propounding radical about him. He wanted action in America rather than words, and his mission at Overlook Mountain was to see to it that the two communist factions established themselves on a basis for aggressive action.

Scott had been a resident of the United States and Canada for more than two years. He was then making his home in Boston. The other members of his bureau were Sen Katayama, alias "Yavki," an elderly Japanese then living in Mexico City, and Louis C. Fraina, who was spending his time in Berlin as an agent for the American communists.

Scott's real name was Jakor Davidovitch Janson. He had formerly been a representative of the communist commissariat for foreign affairs at Irkutsk.

He saw military service on the Polish front in 1919 and fought with the Bolshevik forces in the Caucasus early in the same year. From August, 1920, to the beginning of 1921 he was chief of the eastern department of the soviet régime in Russia, and was sent to Chita early in 1921.

Silent and taciturn in his bearing, Scott met the 70 delegates in the vicinity of Kingston. They were conveyed to the foot of Overlook Mountain in automobiles. Guards saluted them as they passed along the road. For more than two weeks these guards had been stationed in the vicinity of Fort Montgomery, Tannersville, Saugerties, and Kingston. Trains arriving at these towns were observed by sentinels. A guard remained behind the delegates to watch the village marshal in Woodstock. Other guards were scattered around the country as farm hands. There were guards also in the Grand Central Station in New York. Scott broke his silence to say that the prospective convention could only be raided by a squadron of cavalry, and that, with his guards on the alert, its presence would be known when 30 miles away.

Alighting from their automobiles, the delegates climbed in single file up the mountain. Other guards were encountered along the trail.

When they reached the Overlook Mountain Inn, on the top of the mountain, they were assigned two in a room. Two of the delegates were women. A steering committee forbade anyone to go beyond 200 feet from the hotel unless they were going to the meeting place of a committee, or of the convention, in the woods. The delegates were all searched, and every scrap of paper or other evidence that would be incriminating if the place was raided was taken from them. They were forbidden to write letters or to make notes unless they were in the committee or convention room, and then only for the purpose of speaking on the question under discussion. These scraps of paper were to be given to the committee as soon as the delegate had finished his remarks. Twice each day the persons of the delegates were searched, as were their rooms.

As night approached, guards could be seen signaling each other with flash-lights from the mountain tops, that all was well.

Sixty of these men were representatives of the Communist Party and of the United Communist Party. The remainder were communist leaders in the United States, and associated with Scott. There were delegates from all of the communist districts, including Minneapolis and Duluth. The Pacific coast was represented by L. E. Katerfield, a young communist who was born in Kansas and graduated from a Wichita college. James P. Cannon, chief fiscal agent of the Communist International, was present, but left the convention several days before it adjourned to go to Kansas City to attend his trial on a charge of sedition. Robert Minor, said to be the son of a circuit judge in San Antonio, and a former newspaper cartoonist at St. Louis, was present as the representative of the Communist International in propaganda matters.

For three days the factions caucused separately, and then at a spot in the woods, with the delegates seated in a natural amphitheater, the convention was called to order by Dr. Jacob Hartmann, alias "Swift," connected with the Russian famine and medical relief at New York. Hartmann used a bowlder for a platform desk.

Here the Communist Party of America was brought into existence. The important decisions were that it should be an "underground" or secret organization, with its existence manifest only through related and subsidiary organizations; that the central executive committee should exercise supreme discipline and control over all communist groups in the United States, including the language federations; and that it should determine and voice the policies of the communist movement in this country—in accordance with the mandates and instructions of the Communist International.

On the point of control of the language federations the Russian delegates made bitter objection, but a radiogram came from Moscow saying that the delegates of neither party would be received at the world congress of the Communist International in July unless both parties were fully united.

The central executive committee of the United Communist Party announced that the communist leaders at Moscow had sent a special contribution of \$135,000 to this country to finance the unity project, but that to date only \$50,000 had been actually received on this side, which had been equally divided between the Communist Party and the United Communist Party. It was decided to tax the party membership 50 cents each to defray the expenses of the convention there.

When the convention came to a close on May 29, Minor and one other individual were chosen as delegates to go to Moscow and inform Lenin that communist

unity in America had been achieved. Two days later Minor was on the high seas.

An indication of just what party unity meant was shown a few days later when a Russian branch of the old Communist Party at Akron, Ohio, was found to have \$1,000 in its treasury. There was a grand and glorious feeling in the district headquarters of the new party in Cleveland when this discovery was made, and the money was promptly confiscated under a decision of the Overlook convention that no group or local unit could have more than \$15 on hand for its personal use.

The central executive committee of the new party was chosen from among members and leaders of various organizations of the country. These included the Friends of Soviet Russia, the Russian Medical Relief Society, the Industrial Soviet League, the People's Reconstruction League, the Farmer-Labor Party as it then existed, the Industrial Workers of the World, the World War Veterans, and later the Workers Party of America, and the Trade Union Educational League.

A few months after this convention was held the Workers Party was organized under the specific instructions of Lenin at a communist convention in Brooklyn as the "legal" branch of the Communist Party of America.

The program of action adopted by the Overlook Mountain convention was, in its essential aspects, the same as had already been proclaimed by the United Communist Party. It called for mass action by the workers, seizure of labor unions and converting them into "militant" enterprises, "boring from within" the American Federation of Labor, and, in particular, the seizure of the United Mine workers of America.

The chief aim of the Communist Party of America, as developed in the Overlook Mountain convention, was to put the control of the revolutionary movement in America in the hands of a definite group of leaders, functioning as one committee, and exercising authority over all communist activity in this country, through a specific grant of authority from Lenin and the Communist International. It is interesting, therefore, to find that when the Workers Party was organized nine of the members of the central executive committee of the Communist Party were named as members of its central executive committee also.

These nine were Jay Lovestone, alias "Wheat," executive secretary of the Communist Party; Earl Browder, alias "Ward," and "Dixon," editor of the organ of the Trade-Union Educational League; James P. Cannon, alias "Cook," chairman of the Workers Party; Ludwig Lore, alias "Young," editor of a communist organ in New York City; Robert Minor, alias "Ballister," representative of the Communist International in America; A. Bittelman, alias "Raphael," communist organizer in New York; Alexander Trachtenberg, communist writer and author in New York; William W. Weinstein, alias "Lewis," national official of the Workers Party; and C. E. Ruthenburg, alias "Damon," executive secretary of the Workers Party.

When Delegate Tyrosowsky, alias "Stepan," alias "Wallace," returned from the Congress of the Communist International early in 1922, he appeared before the central executive committee of the Communist Party and made a report concerning the Workers Party and the work in America which was quoted to the communist leaders by the committee in the following language:

"During the congress the greatest leader of the Comintern (Communist International) held an interview with the whole American delegation. In his opinion the American comrades do not utilize all of the opportunities of the struggle. Among other means of utilization of opportunities for legal communists work, Comrade L. (Lenin) advised us to take the necessary steps to establish a legal communist organization. The legal organization should be the camp in which the revolutionary workers who can not very well be admitted to the underground will be mobilized."

There are 200 organizations in the United States actively engaged in or sympathetic with the communist revolutionary movement as directed and conducted by the Communist Party of America. Some of them are local in their scope and work; others are nation-wide. Forty-five of these organizations of either "pink" or radical structure are engaged in the communist effort to seize control of the labor unions in this country and convert them to the revolutionary movement. In virtually every instance these organizations have direct contact through the mechanism of interlocking directorates with the central executive committee of the Communist Party of America, or with its "legal" branch, the Workers' Party of America.



Fifty-two persons hold 325 directorates in these 45 organizations. A study of the interlocking arrangement shows that all of these organizations are fused into a single whole. The extreme radicals are promoting the revolutionary movement, and a dozen intermediate degrees of "liberal", radicals and "parlor pinks" are cooperating with them intimately and closely, so that the contact is complete from end to end of the scale. There is no gap or breaking point. Ten of the directors appear in radical as well as "liberal" groups, and at the same time among the "civil liberties" or "intellectual pink" groups.

Illustrative of this arrangement is the executive committee and the national committee of the American Civil Liberties Union at New York, posing as the champion of free speech and civil liberty, but serving as a forerunner and trail blazer for the active and insidious activities of the communists among labor organizations. Harry F. Ward, born in London in 1873, and chancellor of the Union Theological Seminary, is chairman of this organization. The managing director is Roger Baldwin, who served a term as a draft evader in the Essex County jail, in New Jersey, in 1918 and 1919.

Other members on the national committee include Norman M. Thomas, who is connected with six other organizations and who is a clergyman combining intellectual radicalism with religion; Peter Pascal Cosgrove, of Boston, a Nova Scotian, who has recently been a recruiting agent for William D. Haywood's industrial unit, the Kuzbas, in Russia; Felix Frankfurter, member of the law faculty at Harvard University; Elizabeth Gurley Flynn, a solicitor of funds for the I. W. W.; William Z. Foster, born in Massachusetts in 1881, and heading the Trade Union Educational League; John Haynes Holmes, member of the League for Amnesty of Political Prisoners—an enterprise to obtain the release of the potential communist leadership from the Federal and State prisons; Norman Hapgood, a newspaper writer; Arthur Garfield Hayes, a New York attorney; Robert Morss Lovett, former professor at the University of Chicago and first president of the Federated Press; Judah L. Magnes, head of the Jewish Kehillah in New York City; and Oswald Garrison Villard, a New York publisher.

The major propaganda distributing agency of the communists is the Federated Press. This is an alleged newspaper service with headquarters at Chicago. It has been financed and promoted through the central communist organization under instructions of the Communist International at Moscow. It serves approximately 200 newspapers, publications, and agencies in America and about 120 newspapers in Europe. It also supplies an "economic service," described by William Z. Foster as "consisting of statistics upon the actual condition of our industrial system," to local labor unions that can be induced to subscribe for it.

When organized in January, 1920, it had eight members. This number increased to 125 before the end of 1921. Practically every revolutionary group in America, including the Industrial Workers of the World, has cooperated with this enterprise. It has established branches in 30 cities, including the National Capital. This agency is the medium through which the great mass of propaganda favorable to the red flag of general destruction in Russia is being circulated in this country.

Robert Morss Lovett, of New York, as president of the Federated Press, sent Bruce Rogers, an organizer of the Communist Party, to the Pacific coast last year to solicit funds for the Federated Press. In a letter to Rogers on April 20, 1922, he instructed him to approach the wealthy "intellectuals" of Los Angeles and certain well-known motion-picture magnates and stars at Hollywood with requests for donations, saying: "These men are with us. They helped us before and they will do it again. Present the situation strong, and don't let them off easy, for we need the money, and need it badly."

Rogers went after big game. He worked his way into the wealthy "pink" circles of Los Angeles, where he confided that:

1. The Federated Press does not represent the viewpoint of the great mass of organized labor, because it is "too far advanced" and "too revolutionary" for the conservative American workingman.

2. No enterprise was ever financed by passing the hat, and the small contributions being received from organized labor are not sufficient to keep the Federated Press going.

Rogers sought life membership subscriptions in the Federated Press at \$1,000 each. He raised more than \$20,000 in Los Angeles alone.

Francis Drake, editor of the *Citizen*, a labor publication in Los Angeles, challenged the statements of Rogers as to the purpose of the Federated Press, and informed him that the *Citizen* would not print the "news" distributed by it because "it is communist propaganda and colored in the interests of disreputable persons like William Z. Foster, Alexander Howat, and Curley Grow."

National committees are a favorite mechanism with the communists in their organizations. These committees are nothing more than an interlocking arrangement, ranging from communist parties to apparently harmless welfare enterprises, through which the communist central group are attempting to take possession of the labor unions, with the American Federation of Labor, in this order: First, the United Mine Workers of America; second, the 4 railroad brotherhoods and 16 railroad unions; third, the textile workers, including knifegoods workers, loom fixers, silk weavers, hosiery workers, and wool sorters; fourth, the steel and packing-house workers; and fifth, the farm workers.

The purpose of the Communist Party of America as the central contact of all communist enterprises is found in the official organ, the *Communist*, for July, 1922:

"The purpose of the underground organization of the Communist Party of America is to function adroitly within a solid body of cells for secret and illegal activities, and as a caucus for the purpose of controlling the open movement and keeping it along correct lines. \* \* \*

"We must correlate the struggles of our workers with the struggle of the Russian workers by so coordinating our fight for such immediate needs as unemployment relief, with the demand recognition of and unrestricted trade relations with Soviet Russia.

"We must wage the fight directly through the activities aimed at strengthening the Communist International and the Red Trade Union International.

"Without a proletarian army the Communist Party of America will accomplish nothing. The proletarian army that the Communist Party of America must guide and lead is the organized labor movement of the country. The organized labor movement contains the great masses of the workers who have fought against capitalism for their immediate interests and are prepared to do so over and over again. The bulk of the organized workers in America are in the American Federation of Labor.

"The historic rôle of the Communist Party is through its leadership to marshal the working classes against the capitalist class, conquer and destroy the State power, and establish the dictatorship of the proletariat."

The assault to seize the American Federation of Labor started five years ago with the organization of the United Communist Party and has continued with unchanging persistence ever since. The platform of the United Communist Party contained the first unqualified attack upon the federation and the labor unions affiliated with it. This document said:

"The United Communist Party must systematically and persistently familiarize the working class with the fact of the inevitability of armed conflict in the proletarian revolution. The United Communist Party must prepare the working class for armed insurrection as the final form of mass action, by which the workers shall conquer the State.

"The conquest of the State and the annihilation of its governmental machinery becomes the immediate object of the struggle. Consciously to direct this inevitable development and to lead the working class in the final conflict is the historic mission of the United Communist Party.

"The class struggle, which so long appeared in forms unrecognizable to the millions of workers directly engaged in it, develops into an open combat, civil war.

"The United Communist Party confirms the present necessity of militant workers remaining with the large mass of organized workers, regardless of the declared reactionary aims of these unions, and, by determined and coordinated strength, turning these unions to a revolutionary course. The United Communist Party, section of the Communist International, is the instrument of that coordination of revolutionary work within the labor unions.

"Members of the United Communist Party will form the revolutionary group in each union, regardless of what kind of union it may be. The United Communist Party caucuses with the union shall have the power to discipline to compel communists regularly to attend union meetings. They shall by discipline regulate the activities of the communist on the floor and in voting in the union assembly. Upon every important question affecting the welfare of the union and labor in general, the caucus shall formulate a policy and all members shall strictly adhere to the decision.

"The workers' revolution can not succeed without the support of the great bulk of whatever labor organizations may exist at the time. For these reasons the United Communist Party can not be satisfied with the formation of a few new unions of declared revolutionary purpose, but of small membership and slight relation to key industries."

The efforts of the communists are not confined to taking possession of trade unions. They have a systematic program also for entering legislatures and municipal assemblies, and with the declaration that their members in those positions are amenable to the same discipline as in the trade unions. They aim also to enter the Army and the Navy. Bukharin and Berzin, of the executive committee of the Communist International, in a manifesto to the communists of America two years ago, said:

"We consider one of the most important tasks before you is the organization of communists groups in the Army and Navy, which should carry on energetic propaganda in favor of soldiers' and sailors' soviets, and denunciatory agitation against officers and generals.

"Act centrally. Do not fall asunder. Organize conspirative revolutionary headquarters."

Local chapters of the Trade Union Educational League have been established in every industrial city in the country for the purpose of carrying on the campaign against the trade unions. Foster's greatest success at the outset in promoting this enterprise was on the Pacific coast, especially around Los Angeles and in central California. A larger volume of pernicious ultra-radical activity is centered around Los Angeles than any other city in the United States with the single exception of the metropolitan district of New York. Revolutionary radicalism is profitable around Los Angeles because it is made so by the wealthy "intellectuals" there who are dabbling in it.

Funds which Foster and his group are spending in Pennsylvania, Ohio, Illinois, and other places to seize control of the United Mine Workers are to an unusual extent being derived from wealthy residents of Los Angeles, Pasadena, Altadena, Long Beach, and other places around Los Angeles. Revolutionary agents coming direct from Moscow are received in homes there and tendered dinners by so-called "intellectual clubs."

Pernicious and revolutionary propaganda distributed among the coal miners in the strike of 1922, and intended to arouse them to violence and "mass action," was, in a number of instances, turned out by so-called popular authors and novelists in Los Angeles who are receiving from \$600 to \$800 a month from the "intellectual pinks" of that vicinity for doing that sort of thing. Foster's first and chief foothold for the Trade Union Educational League in the first 12 months that he promoted it was in and around Los Angeles. Even the Communist International has learned that the most appropriate spot for launching new revolutionary movements and organizations is in Los Angeles.

When A. Plotkin, a representative of the Communist International, started his work in this country in September, 1922, to seize the railroad unions as the communists were attempting to seize the United Mine Workers, he went straight to Los Angeles as the initial point. Later, he carried on his work in other parts of the country with money donated to him at Los Angeles.

New efforts and activities of the communists in the coming months, indicating the nature of their program for the future, will be outlined in the next article of this series.

#### ARTICLE VI.

The Bolshevik movement in the United States would have sapped its own energies and disintegrated or have degenerated into pure anarchy if it had not been for the support and assistance that it has constantly received from the so-called "parlor Bolsheviks" and "pink revolutionists" in America. They have served the function of keeping it alive and on active footing, when otherwise the efforts of Lenin and the Communist International would have failed.

Investigation by the United Mine Workers of America into all phases of the communist efforts has clearly disclosed the fact that the funds of wealthy men and women, flattered by the glamor of pseudo "intellectuality" has instilled new energy and given new leases of life to the communist movement, and enabled its agents and organizers to multiply to proportions which at this time gives them and their activities an aspect that challenges the attention not only of the labor unions but of the whole country.

The dangers that lie in the future are in the seemingly harmless and innocuous expedients with which the communists have learned to cloak and conceal their true aims and purposes. One of these is the plot to compel recognition of Soviet Russia by the Government of the United States, with the establishment of diplomatic relations between the two countries.

No greater victory short of the overthrow of the Federal Government itself could be won by the communist organization in this country than to bring about recognition of the soviet régime in Russia by this Government. Experience has demonstrated that wherever the Soviet Government goes, it goes for propaganda. If diplomatic relations were established with this country, the soviet régime would be the sole beneficiary.

A recognized government is entitled to a consulate in every city, and a consular staff may be as large as desired and may do about what it wants to do. In the light of their past activities, the first thing that the soviets might be expected to do in the United States, if accorded recognition would be to establish "consulates," with large propaganda staffs, in all the leading cities. The present "underground" revolutionary organization centered around the Communist Party of America would then be able to come to the surface and start its work with renewed impetus in the open.

With the diplomatic doors opened to them the soviets would bring in men and money in such numbers and sums as they desired. While the possibility of their overthrowing the American Government is not to be conceded, one of the major lines of defense against them and their revolutionary designs and purposes would be removed; they would be afforded unlimited opportunities for their revolutionary work, and energies that are sorely needed for constructive effort in America would be diverted and dissipated in fighting the serpent in the house.

Establishment of diplomatic relations with the communists, with consulates in whatever cities they wished to put them, would give them unlimited opportunities for attacking the labor unions and trade organizations, and create an active recognized revolutionary machinery in this country against which the unions and the Government have little or no protection.

Every effort has been exerted by the communists in the last five years to get control of the labor unions. With Soviet Russia given diplomatic recognition the unions that have so far successfully combated their inroads would be placed virtually at their mercy and made doubly vulnerable to the assaults and attacks of the red hosts at Moscow.

Deportations of alien communists would be halted, and the red agents of Moscow when arrested in this country could demand the "protection" of the consulates and diplomatic emissaries of the Communist International.

The communists have a strong organization in the vicinity of Bellair, Ohio, from which much of their revolutionary activity is being carried on. A soviet consulate could be established there. They have boasted that they instigated and carried out what took place at Herrin, Ill. They could establish a consulate at Herrin. They have used dynamite and shotguns in southwestern Pennsylvania. They might have consulates at Pittsburgh, Uniontown, Conneville, and Johnstown. They might establish a "consulate" in every industrial center in this country.

Another phase of the communist movement in America at this time that commands attention is the demand for the release of "political" prisoners who are confined in the Federal and State prisons. This is a phase of the revolutionary movement that goes hand in hand with the demand for recognition of Soviet Russia. The center of the communist movement is an outgrowth of, and to a certain extent, a continuation of the German espionage system here during the war. Some of its methods and practices, such as its system of "underground" activity, with camouflaged organizations on the surface, are essentially the same as were employed by the German espionage and propaganda agents during the war.

Germany had an excellent organization in the United States, conducted and managed by astute and skilled leaders. The higher agents were sent into the country from abroad, but they were told that the rank and file of their units and groups must be recruited from among the malcontents and disloyalists in the United States. As a result of this program large numbers of anarchists, syndicalists, agitators, would-be revolutionists, enemies of the Government, and individuals who had been convicted of crime were enlisted in the German service. In no other strata could recruits be found in such numbers as were needed. An "underground" organization, as well as a "surface" one, was established by the Germans.

After the armistice the various units that the Germans had created continued to exist for mutual benefit. None of these units had any particular love or respect for the other, but they were all working in some measure together. They had been brought into direct contact with each other for the first time, had formed acquaintances, been under discipline, and had learned to cooperate without fomenting factionalism among themselves.

When the flow of German money into the country stopped these agents and units turned to the Bolsheviks, who had seized Russia, and through the plunder of banks and estates were in a position to finance a revolutionary movement in America. The Bolsheviks had the money to spend for propaganda, and they had come to a realization that if their dictatorship in Russia was to survive they must engage in an extensive campaign of world propaganda and revolutionary activity.

The American units were successful in their overtures to the Lenin régime. Indeed, Trotski was in some measure their emissary. They held out the prospect to the Bolsheviks that with proper cultivation and intensive effort the revolutionary units already existing in the United States could quickly mobilize the labor unions and trade-unionists for an armed uprising, with seizure and overthrow of the Government, and the establishment of a soviet dictatorship responsible to and maintaining allegiance to the Communist International.

It will thus be seen that from the very outset the trade-unions of America have been the first and chief objective of the communists and the instrumentality through which they have expected to accomplish their ends.

To-day the Bolshevik organization in America is better systematized, more coordinated, and has a larger range of activities than it ever had before. These activities are expanding and spreading in scope. The communist organization is not as elastic as it was in the hands of the Germans, and it is not as well financed. It is, nevertheless, very real and very effective, and from a skeleton organization created by the Germans has multiplied many times in strength and scope of action, and to-day has ramifications that reach into virtually every labor union, every industry, every community, and most of the phases of American life.

The movement for the release of "political" prisoners goes back to the days when the Germans were in control of the organization. Many of the German agents were convicted of violation of the war-time laws and confined in Federal penitentiaries. To effect their release and and give the Moscow communists the benefit of their entire potential leadership in this country the campaign has been carried on for the release of political prisoners. The claim has been made that it has been intended to secure the release of conscientious objectors. The communications of the Moscow leaders to the red leaders in this country show that the real purpose has been to quietly obtain the release of the imprisoned communists under a hue and cry for the release of conscientious objectors.

The communist movement is feeding in a large degree on the demand for a resumption of trade with Russia. There are no obstacles to export and import trade with Russia except those handicaps which they have imposed upon themselves through the dissipation and exhaustion of their own economic resources and their interference with the productivity of the Russian people.

The chief obstacle to the resumption of normal trade relations with Russia has been in the fact that foreign trade has remained in the hands of soviet agents, so that American exporters had to deal solely with them and were not granted an opportunity to ship their goods into Russia for sale to Russian individuals. A second obstacle has been in the fact that the monetary reserves have been exhausted. With production reduced, the soviets have had nothing to resume trade with.

Even if Russia were given diplomatic recognition, and the soviets removed the restrictions they have imposed upon foreign trading, there could not be a normal exchange of goods until the soviets provided guarantees for the security of the goods sent into the country. The handicap of the soviets having little or nothing to exchange would still remain. In all probability such recognition would furnish an excuse for the Bolshevik propagandists launching an agitation in the United States for a foreign loan to the soviets to resuscitate the wrecked and ruined industries of their country, and incidentally, to finance their own activity in this country.

During the next 12 months the communists will bend greater efforts than at any time in the past to effect the seizure and control of the American Federation of Labor and the United Mine Workers of America. Their recent correspondence contains renewed demands that the "boring from within" campaign shall be carried on more energetically, and that there shall be larger results than in the past. They adhere to the belief, as set forth in their communications, that if they can seize control of these two organizations, and gradually absorb the remaining large labor unions, they can do what they like with the government and the rest of society, as they have done in Russia, where there are no bona fide labor unions.

They are systematically working to exploit every unusual situation or disturbance in furtherance of their revolutionary aims. They are in readiness to seize upon every opportunity offered by national, industrial, or political conditions to further their program. They are hopeful of controlling the next annual convention of the American Federation of Labor, in October, and are carefully working now to control a majority of the delegates that attend it. They are hopeful that a nation-wide strike of the coal miners will take place next April, which will afford them an opportunity again to attempt the seizure of the union through revolutionary methods, as they attempted in the strike of 1922.

Revolutionary agents are working among the miners in a half dozen States—Pennsylvania, Ohio, Indiana, Illinois, West Virginia, and the Southwest—and in Nova Scotia and Alberta, to force a strike in April. They believe that the coal operators will refuse to make a new agreement with the miners' union, as they refused in 1922, and that the miners will have no other option than to cease work.

They are working also among the State federations of labor. William Z. Foster, head of the Trade Union Educational League, speaking at the communist gathering of miners in Pittsburgh on June 2, declared that the "one big union" idea has already been adopted by 13 State federations of labor, and that the federations in other States give promise of immediately following in their wake.

Foster has organized a group in the Pittsburgh district known as the Progressive Miners International Committee of the United Mine Workers of America, to conduct the preliminary work in anticipation of a general miners' strike next April. He has carefully explained that this committee is not a dual union movement, but that it seeks to "reform" the United Mine Workers. He says that it proposes to establish a "radical bloc" in the United Mine Workers. Similar "bloks," he declares, exist in the needle, marine transport, metal and building trades, and among the railroad workers.

"The purpose of these blocks," it is explained, "is to educate the rank and file of workers to seize control of their respective unions, and then when that is accomplished amalgamate under the one big union idea."

Foster drew up the resolutions that were adopted when the Progressive Miners International Committee was organized, and they were put through the convention with the assistance of his son-in-law, Joe Manley. At the same time plans were devised for holding the next meeting of the committee three days before the international convention of the United Mine Workers of America, at Indianapolis, Ind., next January, when plans would be devised for attempting to seize control of the convention, the organization, and official positions of the miners' union.

Loyal union members have known little or nothing of the designs of the communists on the labor organizations. In each instance the communist agent has posed as a "friend" of labor. In many instances these agents have been foreigners, attached to one of the foreign language federations of the Communist Party of America. The propaganda and revolutionary doctrines have been spread through different languages, and through newspapers and publications established in this country for that purpose. One of these newspapers last year cleared a profit of \$20,000 for the communists, in addition to furnishing them with their circulars and leaflets free of charge.

Whether the major Communist organizations go forward or slip backward, the leaders of the movement in the country are prepared to stand behind the chief idea and push it through the labor unions. With a foothold in the unions they are prepared, if necessary, to abandon the major organizations they have established in this country.

Names of these organizations are changed frequently. This is in accordance with the suggestion of Lenin, himself, who believes that when the stigma of

communism is definitely attached to a "surface" organization, it should be merged into a new group. In this manner the members of the old organization are retained and new members more easily obtained.

Money in great sums is coming into the country to finance these efforts. It is not merely to pay the expenses of propaganda and revolutionary effort among the trade-unions, but is intended to enable the communists also to keep in close touch with the affairs of the National Government at Washington. A half dozen agents are on the job in Washington all the time, whose duty it is to watch each movement and gauge the political effect of each action taken by the Government.

More than a million dollars, for the communist movement was raised in this country under the guise of Russian famine relief. This money was deposited in banks in New York and Chicago in the name of relief committees, and eventually found its way, after passing through various other bank accounts, into the hands of the real communist emissaries in the United States, the most prominent of whom at that time was Dr. Jacob Dubrowsky, of New York, successor of Ludwig C. A. K. Martens, self-styled Soviet "ambassador" to this country.

Heavy sums of money were sent into the country at the time of the disarmament conference at Washington. In December, 1921, the communists sent to Doctor Dubrowsky the sum of 100,000 crowns, with which he was to go to Washington and follow the proceedings of the conference. Another sum of 50,000 crowns was sent to agents of the Young Communist League, at Philadelphia, to carry on propaganda efforts while the conference was in session.

The objective of the communist in this country is to be gathered from the "constitution" of the new Union of Socialist Soviet Republics, at Moscow, which was adopted July 6, 1923. This union, while using the name "Socialist" as descriptive of the member republics, corresponds to the system that exists in Soviet Russia, and by which the country is managed. This "constitution" says that every law and court decision in a member republic shall be subject to annulment or abridgment by the edicts of the supreme executive authorities of the "union."

Section 18 of article 4 of this "constitution" defines the authority which the Soviets at Moscow propose to exercise over the foreign countries that are members of the "union." The section says:

"All decrees and ordinances that determine the general rules of the political and economic life of the union of Socialist Soviet Republics and also those that in principle alter the present practices of the State organs of the Union of Socialist Soviet Republics must absolutely be laid before the central executive committee of the union of Socialist Soviet Republics for revision and confirmation."

Under this section the laws and ordinances enacted by the legislative bodies of the United States would be subject to "revision and confirmation" of the supreme council of this "union," sitting in Moscow. Section 20 of this "constitution" says further:

"The central executive committee of the Union of Socialist Soviet Republics has the right to annul and suspend the decrees, ordinances, and dispositions of the presidium of the central executive committee of the union, as well as those of the Soviet Congresses and the central executive committees of the federated republics and of other authorities working within the territory of the Union of Socialist Soviet Republics."

Under this section, acts of Congress and the State legislatures, if they continued to exist, would become subject to review by the supreme council of the "union."

As a means of strengthening the revolutionary work in the various countries a "supreme court" of the "union" is established. Its purpose is stated in section 43 of article 7, as follows:

"In order to strengthen the revolutionary code of laws in the territory of the Union of Socialist Soviet Republics there is established in connection with the central executive committee of the Union of Socialist Soviet Republics a supreme court."

This court, it is stated, is to have power to import explanations of legislation and examine laws and decisions of national assemblies and courts. Under this arrangement a small revolutionary minority established in control of the Government of the United States, or in any other country, would be supreme in that its decisions and laws, if objected to by the populace, would be referred to the "supreme court" at Moscow, which could revise and confirm them as it wished.

This sort of thing is exactly what the communists in America are aiming at, as demonstrated by their manifestos and communications that have been pouring into the country virtually since the armistice. It is the specific aim and objective of the communist groups that are "boring from within" the United Mine Workers of America and seeking to obtain control of the American Federation of Labor. A world-wide communist organization of miners is being promoted by the communist for this purpose. In the program of action adopted by the communist conference of miners at Pittsburgh on February 10, and presided over by Foster, the following plank was inserted.

"We demand the closest affiliation of the United Mine Workers of America with the organized miners of the world."

This platform also called for the organization of a communist political party, which would amalgamate the farmers and workers into a single unit. That movement is being industriously promoted this year.

The communist movement in the next 12 months will be conducted along more intensive lines than it has at any time in the past. The labor organizations will meet their greatest assaults and attacks, and the communists will make greater efforts than they have at any time in the past to get possession of them. The movement is aimed not only at the labor unions but at the entire industrial, social, and political structure of the country, and with the single aim of eventually establishing a soviet dictatorship in the United States, and converting the country into a vassal colony of the Communist International at Moscow. It is a situation that challenges not only organized labor but every employer as well. This is one occasion when labor and the employer might very well join hands and fight together instead of fighting each other.

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A BILL To exclude and expell from the United States aliens who are members of the communistic and similar classes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following aliens shall be excluded from admission into the United States: (a) Aliens who are communists; (b) aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches communism; (c) aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching communism; (d) aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, any written or printed matter of the character described in subdivision (c). For the purpose of this section: (1) The giving, loaning, or promising of money or anything of value to be used for the advertising, advocacy, or teaching of any doctrine above enumerated, shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money, or anything of value to any organization, association, society, or group, of the character above described, shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching or affiliation.

Sec. 2. That any alien who at any time after entering the United States is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States.

Sec. 3. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act, thereafter return to or enter the United States, or attempt to return to or to enter the United States, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than five years, and shall, upon the termination of such imprisonment, be taken into custody, upon the warrant of the Secretary of Labor and deported in the manner provided in the immigration act of February 5, 1917.



(The letter referred to by Mr. Raker will be found hereafter in the proceedings.)

The ACTING CHAIRMAN. We have a witness, and the committee is disposed not to keep him waiting any longer, Congressman Phillips, and we would like to hear his testimony.

**STATEMENT OF HON. THOMAS W. PHILLIPS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA.**

Mr. PHILLIPS. Any law that permits immigration from any source for any purpose is of vital importance because of the physical condition, the mental capacity, and the moral standards of immigrants will make this a better or a worse country, not only for us but for our descendants forever. When we attempt through immigration to solve the domestic-servant problem, to relieve a temporary or permanent shortage of labor for the industries, we introduce into our midst breeders, often prolific breeders, who produce regardless of fitness or of the probable proclivities of their offspring, and become the forbears of an ever widening circle of descendants. Allowing an average of 25 years for a generation, an individual, provided no two of his ancestors were descended from a common ancestor, had 30 generations ago, which was only 750 years—an infinitesimally short time compared with the life of the race, if the evolutionary theory is correct—more than a billion ancestors living at that time. Although miscegenation should, and probably will, be largely prevented, the mixture of the various strains of the white race in this country will be general in the future as it has been in the past. It is evident, therefore, that almost every white individual living in this country a few generations hence will number among his ancestors immigrants that landed during almost every year from 1620 to the present time. Each yearly group of immigrants either already has stamped or in the future to a greater or lesser degree, through heredity, will stamp indelibly its composite characteristics and character upon the American people. In this connection it should be noted that foreign-born mothers have 33 per cent more children than native-born mothers and that many potential mothers of our native stock never marry or if they do marry remain childless. Only those immigrants should be admitted to whom and to whose children we are willing to accord the highest rights and most sacred privileges which include the right to intermarry with our descendants. In short they should be fit or desirable to become the common ancestors of our own descendants.

We know better than to import vicious or refractory domestic animals, but, on the contrary, through intelligent and careful selection from abroad, bend every effort to improve our home stock of domestic animals.

During the early history of our country natural conditions here and abroad encouraged the desirable and discouraged the undesirable immigrants, but, since the causes that produced such natural selection have almost if not entirely disappeared, we must set up artificial means through legal machinery to hand pick our immigrants if we are going to prevent rapid deterioration of our citizenship. The immigration law should be sufficiently elastic to permit those charged

with its enforcement to apply any present or future knowledge of biology, in so far as such knowledge thrown light on the results that follow the mating of individuals of different races or individuals of widely separated branches of the same race.

If we believe that the white race is the best and that the original American stock is about the very best of the white race then it must be admitted that it has high standards which it must maintain, and that it must be artificially protected in maintaining those standards. If the law of the survival of the fittest is allowed free play, then only those will survive who can live in the most unhealthy environment, endure the longest hours of hard labor, and, in fact, exist under conditions that to the individual of intelligence and ambition would make life unbearable. If the fittest and the best were identical, the human race would be graduated from the Chinese or from some other yellow race or from some brown or black race down to the cultured American citizenry.

We have, through unrestricted and unselective immigration, created a condition that has deterred to an alarming extent the propagation of those racial stock that have demonstrated their capacity for self-government. Our civilization can be sustained and our ideals can be perpetuated only by maintaining or creating conditions that will preserve the race that created those ideals and built up that civilization. The highly civilized Americans are sensitive individuals, and conditions that produce uncertainty or prevent them from maintaining positions of economic independence will decrease the American stock. Natural increase in our population, that is increase through birth, is largely determined by economic conditions. When conditions are unfavorable from the viewpoint of any group of individuals, they postpone marriage or refuse to marry, or, if married, do not welcome children. Uncertainty, unemployment, and lower standards of living obtain when a large number of adult immigrant are admitted suddenly into a community.

The number of immigrants to be admitted from any country should not be based upon the number of natives of that country residing here at any given date, because we have no obligations to perform, by, or benefits to be derived from, admitting immigrants that can not be assimilated or who when assimilated will impoverish rather than enrich our blood. Upon the conduct, not the number, of their countrymen now located here should their desirability or undesirability be judged. Let us resolve to have no immigrants, or a limited number of the best.

The higher we ascend on the scale of civilization the more complex, and, therefore, the more burdensome it becomes, and whether our civilization can be advanced or even maintained will depend upon the quality of its human supporters, and quality depends largely upon inheritance.

Through our immigration policy we must determine not only into whose hands we intrust our heritage, but whether in our opinion our ideas, our ideals, our institutions are worth preserving.

Believing that an immigration law based on quotas has failed and always will fail to provide means for the selection of a limited number of the very best and most desirable immigrants, I have drawn and introduced a bill known as H. R. 539, which makes it

incumbent upon the Commissioner General of Immigration to provide and establish means to select and examine immigrants, so far as possible, in their native lands. The total number to be admitted during any one year from all countries, including Canada and Mexico, would be 500,000. But in all probability it would be several years before facilities could be established to properly examine and admit any number approximating 500,000. At any time the total number could be increased or decreased by act of Congress.

Any statute law attempting to describe, define, and designate the proper number of the most desirable immigrants would be complicated, technical, impracticable, inflexible, and largely experimental. Its defects could not be remedied quickly, nor could it be readily adjusted to meet changing conditions. When agreement is reached as to what should be accomplished through an immigration law, it is simply a business method of procedure to assign the definite task to an individual, place in his hands sufficient authority and the necessary facilities, and make his tenure of office as well as his reputation as an executive dependent upon immediate and satisfactory results. The action of the Commissioner General of Immigration would naturally be controlled by the Secretary of Labor, and the Secretary of Labor would be under the direct supervision of the President of the United States. Therefore, the placing of this great responsibility in the hands of the commissioner general would be safer than placing it in the hands of a board over whom there would be little or no direct supervision.

I do not assume, of course, that my bill is complete as to details, or should be submitted to the House without many alterations by this committee; but I do believe in the principles set forth in the bill, and that it would, if enacted into law, correct many of the inadequacies of the present law and prove highly beneficial.

I appreciate the opportunity that you have given me to present my views to you. The immigration problem is a question of vital importance in our district. I know that, and I believe it is important in every district in the country.

Mr. Box. What district are you from?

Mr. PHILLIPS. The twenty-sixth Pennsylvania.

Mr. Box. What part of the State is that?

Mr. PHILLIPS. The western part, Butler County, Pa. It is a short distance from Pittsburgh.

Mr. VINCENT. You will pardon me, but I wanted to get the location.

(At this point Hon. Albert Johnson (the chairman) took the chair.)

Mr. PHILLIPS. It is generally understood or thought in the country that the present law is an emergency act. I think the expectation is very general that there will be a change, and probably a radical change in that law. When I submitted my bill, there was some notice of it published in various papers, and I received a letter from a manufacturer in Chicago. I should like to have this letter included in my remarks and inserted in the record.

Mr. SARATH. By whom was this letter written?

Mr. PHILLIPS. I do not understand you.

Mr. SABATH. The committee would like to know by whom that letter was written.

Mr. PHILLIPS. The letter was written by W. E. Clow, president of James B. Clow & Sons.

The CHAIRMAN. What place?

Mr. PHILLIPS. Of Chicago, Ill.

The CHAIRMAN. What address.

Mr. PHILLIPS. General offices, 534 to 546 South Franklin Street, Chicago.

Mr. FREE. What is his business?

Mr. PHILLIPS. Cast-iron pipes, water heating, steam fitting, interior marble and slate work.

The CHAIRMAN. We are very much obliged to you for your statement, and your bill will be considered.

(The letter referred to by Mr. Phillips is as follows:)

CHICAGO, December 4, 1923.

HON THOMAS W. PHILLIPS, JR.,

*House of Representatives, Washington, D. C.*

MY DEAR SIR: Our morning papers state that you intend to introduce in the House a bill radically charging the present immigration law.

I have had considerable correspondence and a conversation with Secretary of Labor Davis and Assistant Secretary Hon. Robt Carl White, on this subject.

Newspapers throughout the country have been clamoring for what they are pleased to term "selective immigration." A year or more ago we found that employees were sending money to Europe to bring relatives to this country, that upon arrival we found—in some cases—were a detriment rather than a worthy addition to our population. Upon inquiry we found that they were sent for because they could loan them money to come to this country, to be repaid from earnings; while if they remained in Europe they had to continue sending them funds for their support. Going into the matter a little further we found the custom quite general. Meeting Secretary of Labor Davis in Chicago I had quite a discussion with him on the subject, and I called his attention to the fact that many years ago—and I have been in this business continuously now for 48 years—when we wanted workmen we sent a trusted employee and his wife to Europe. They settled down in some community and selected and sent to us good workmen who came to us under contract, and ultimately they brought their families. This was true selective immigration. I can readily appreciate that the labor unions would strenuously object to this method, that is permissible under the present law when a permit can be obtained. The latter is very difficult to obtain, for reasons you doubtless know. I am sure that under the present operation of our immigration law we are receiving into this country a more undesirable class of immigrants than we have ever had come into the country, at any time in the past. We need and should have good immigrants, but we will never get them so long as their admission to this country is controlled by their relatives now here.

Very truly yours,

W. E. CLOW, President.

DECEMBER 7, 1923.

Mr. W. E. CLOW,

*President James B. Clow & Sons,*

*534 South Franklin Street, Chicago, Ill.*

DEAR SIR: I beg to acknowledge receipt of your esteemed favor of the 4th instant relative to the bill which I introduced in Congress on Monday for the restriction of immigration.

I have read your letter with much interest and want to thank you for writing me so fully.

For your information I am inclosing herewith a copy of the bill, together with a copy of the statement in regard to it that I gave to the press.

I should be very glad to receive any criticism or comment you may care to make after reading the bill and statement.

Again thanking you for your interests, I beg to remain,

Very truly yours,

T. W. PHILLIPS, Jr.

CHICAGO, December 21, 1923.

HON. T. W. PHILLIPS, Jr.,

House of Representatives, Washington, D. C.

DEAR SIR: I have taken some time to carefully read all the literature you sent me in your letter of December 7.

Complying with your request, I have the following comments to make:

In your bill there is no provision making it obligatory on the part of the Commissioner General of Immigration to issue permits to employers in need of skilled workmen to contract for such men or women in Europe. As I wrote you previously, the best workmen ever brought to this country were brought here, not on their own initiative nor that of relatives living in this country but by employers who went to the expense of going or sending to their home country and selecting the best men and bringing them to this country. Good workmen seldom leave the country in which they were employed on their own initiative; they are invariably well contented with their surrounding, and it is ordinarily the dissatisfied workman who is looking for a country to emigrate to where he believes his ability will command a price that will admit of better living conditions. When such men come to our country—and they are invariably helped to migrate by relatives in this country—they find the same conditions here that confronted them in their own country, namely, they are not paid any more than their services are worth, and they are the individuals who make labor unions so arbitrary. I have been dealing with labor unions for nearly 50 years, and I have never known a good, competent workman who was an official of a labor union with whom I ever had the slightest difficulty in getting along with, while the very reverse is true of the incompetent workman, who is invariably a dangerous agitator or exponent of violence.

It is both difficult and expensive to contract for and bring good workmen into this country. As I stated to you in a former letter, the Secretary of Labor has granted to this corporation a permit to bring to this country 10 skilled cast-iron pipe makers, and to this date we have been unable to secure a single one, although the German chancellor reports a third of the workmen of Germany unemployed. This company intends to send a representative to Germany and Austria in an effort to induce 10 thoroughly competent skilled cast-iron pipe workmen to emigrate to the United States and enter the employ of this corporation in accordance with the permit.

In the opinion of the undersigned the suggestion should be incorporated in your bill and the commissioner be obligated to issue a permit, for there will be times when the office of the commissioner will be dominated by a radical labor union that will protest against the issuance of any permit, irrespective of the needs of the country for skilled workmen.

In section 5 you provide that the maximum number admitted to the United States should not exceed 500,000 aliens, but you did not indicate the minimum. With the conditions above referred to prevailing, the action of the commissioner might be extremely proper in limiting immigration to the minimum. I would therefore suggest that a maximum and minimum be determined by Congress each year.

I see no other suggestions to improve the bill, as it evidently has been given very careful thought by you.

With assurances of my appreciation of the opportunity to present my views as an employer and one interested in the admission of aliens to our country, I beg to remain,

Very truly yours,

W. E. CLOW, President.

The CHAIRMAN. Representative Browne is here and desires to introduce two witnesses.

MR. BROWNE. I have visiting with me Reverend Mr. McDowell, of Mesopotamia, who has been there as a missionary for over 25 years,

and his wife has been with him and has been a teacher in that country for a good many years; and talking over matters, I thought they had facts that this committee ought to know, especially about the Assyrians and in regard to this bill, so that the Assyrians, a Christian people over there—they were with the Allies, fought in that war, and are driven out of their own country, and a great many of them would like to emigrate to this country; and those that have come to this country have made very excellent citizens.

Now, I understand they are taken in as Asiatics, when they are not Asiatics. My friend, Doctor McDowell, will briefly explain, and I hope after he gets through he will be allowed to extend his remarks into the record.

Mr. FREE. Have you lived among them?

Mr. BROWNE. I have not.

Mr. FREE. I would just as soon live among a bunch of rats.

Mr. BROWNE. The doctor can tell you.

The CHAIRMAN. Give your name and address.

#### STATEMENT OF REV. E. W. McDOWELL, WOOSTER, OHIO.

Mr. McDOWELL. May I ask how many minutes I might be allotted?

The CHAIRMAN. I think we can allow you 20 minutes.

Mr. McDOWELL. That will be enough.

Mr. Chairman and gentlemen of the committee, I thank you for this courtesy, and it is my privilege to speak to you on behalf of a very small people. There may be, of course, some things that attach to them that excite prejudice. On the other hand, there can be very much said in their favor, and I desire to give my testimony in their behalf.

They are a very small people, numbering only perhaps some 200,000 altogether, but let me first give you some idea of their location. I have here a map which you can follow.

Here [indicating on map] is the Black Sea; here is the Mediterranean; here is the city of Constantinople [indicating on map]. Here is Asia Minor, extending to the east, just south of the Black Sea. To the north is Russia; to the east is Persia. Following this line here [indicating on map] and then to the west is what was the Turkish Empire. The present Turkish Government is now ruling as far south as Mardin along this red line. That was the mandate line. Here is the Holy Land, Palestine, with the French to the north, the English to the south. Here is Jerusalem [indicating on map]. Here is the Arabian Desert [indicating on map] and the rivers the Tigris and the Euphrates; here is Mesopotamia, extending between Mosul and Mardin and extending to the east at the Persian border. These people are Assyrians. Do not confuse them with the Syrians of Syria. These Assyrians, as they are called, have had their homes in the mountains there and down on the plains of Persia, near this lake, in northwestern Persia. Part of them were under the Turkish Government and part of them under the Syrian Government.

Mr. FREE. May I interrupt you? Point out the territory over which Turkey rules at the present time.

Mr. McDOWELL. Turkey, as you know, has a certain portion of what is called European Turkey, Adrianople and beyond Adrianople.

They have Asia Minor, extending clear across the Russian border, and to the Persian border here in the east [indicating on map], and then south to this line [indicating on map] in a general way marked by the German Railroad from Aleppo to Mardin. That railroad, in a general way, marks the southern boundary of the Turkish Government. That will be just opposite the northeast corner of the Mediterranean Sea, including Aleppo, across to Mardin, and across to the Persian border, Adrianople.

Mr. RAKER. Who has control of this country you speak of now, Mesopotamia?

Mr. McDOWELL. It is under King Feisal, son of the king of Mecca, or the king of Hedjaz. He is the father of two sons. He himself is ruling over this strip [indicating on map], including Mecca, and one son, Adullah, is ruling over here [indicating on map], just east of Jerusalem, and the second son, Feisal, is the ruler of Mesopotamia, including the cities of Bagdad and Mosul, and the father and two sons have the Arab world between them.

Mr. RAKER. Is that a kingdom, or what?

Mr. McDOWELL. It is a kingdom, but it is under mandate of the English.

Mr. RAKER. Under the mandate of what country?

Mr. McDOWELL. The English have a mandate over Mesopotamia, but it is not the same mandate in Palestine. The Arabs have their own government. They are in control, and are actually ruling with the high commissioner in Bagdad, but the Arabs have governed themselves, and have all the officers.

Mr. RAKER. Are not these people governing themselves in the same way?

Mr. McDOWELL. No, these people are refugee people at the present time, as I shall indicate in a moment. They have been driven out of their homes, and at present they are refugee people.

Mr. FREE. Where did they come from?

Mr. McDOWELL. They come from the northeast of Mosul, a part of them are living under the Turkish Government, and a part of them are living under the Persian Government.

Mr. BOX. How many of those refugee people are there, of which you speak?

Mr. McDOWELL. All told, both in Persia and in Turkey, they will number less than two hundred thousand.

Mr. RAKER. What do you want to do with them, bring them to the United States?

Mr. McDOWELL. No, sir; I would if I could, but I am not expecting that. I am pleading that justice shall be done them, as it has been said this law is an emergency act. This present law that is now before you is to be a selective process put in the hands of our consular agents in the lands across the sea, and I am very much pleased to see that.

Mr. WHITE. You mean "justice." You do not mean national justice.

Mr. McDOWELL. I mean "national justice."

Mr. WHITE. Do you mean individual justice?

Mr. McDOWELL. I mean national justice.

Mr. WHITE. That would be an international affair.

**Mr. McDOWELL.** I mean justice in this way, that these people are not Asiatic, as we regard the term. They are of a higher type; that is one thing. They are not Asiatics, but they have been discriminated against in that they have been included among other Asiatics and have not had their fair show when it came to getting the quota.

**Mr. DICKSTEIN.** Could not they come in on the ground that they have been persecuted if they properly apply for a passport to the country they owe allegiance to and have the visé of the proper representative?

**Mr. McDOWELL.** If that could be accomplished, it would be a matter of justice and mercy.

**Mr. FREE.** What vocation do they follow?

**Mr. McDOWELL.** They are farmers and sheep raisers.

**Mr. FREE.** Are they nomadic people?

**Mr. McDOWELL.** They are a people—the oldest Christian people in the world. In the first few centuries these people carried the gospel across Asia from Jerusalem, establishing schools and churches, and they have been building churches in which I have preached, and some of the churches are over a thousand years old.

**Mr. FREE.** How much does the religion of those people resemble our Christian religion?

**Mr. McDOWELL.** It resembles it absolutely. They are not much nearer God than we Americans are. We are all short; but they hold the same perceptions and doctrines that we do regarding Christianity.

**Mr. FREE.** They pray on Sunday and steal on Monday?

**Mr. McDOWELL.** Some of them, just as some Americans do. I have lived among them 36 years, right in their homes, worked with them, and I find them, considering the circumstances, to be a good people. They have been an oppressed people for 700 years, terribly oppressed, and that must affect their character.

**Mr. FREE.** Let me put this to you: Do you not agree that people coming to this country should be people that could be assimilated, that our children could marry?

**Mr. McDOWELL.** They could be assimilated.

**Mr. FREE.** Would you want a child of yours to marry one of them?

**The CHAIRMAN.** Strike that out.

**Mr. RAKER.** I do not see how you can get anything fairer, myself.

**Mr. McDOWELL.** I will answer that. I can imagine something a great deal worse than one of my children marrying one of them. There is more or less of intermarriage between Americans and these people right here to-day.

**Mr. FREE.** Are you asking us to make any special legislation that they can get in?

**Mr. McDOWELL.** I desire simply this, that they be included in this act as a unit and not simply as part of other Asiatics.

**Mr. HOLADAY.** How many of them desire to come at this time? Do you have any idea?

**Mr. McDOWELL.** It would be a matter of only a few thousand, I should say, perhaps 5,000.

**Mr. FREE.** Why do they want to come into this country?

**Mr. McDOWELL.** To escape the terrible conditions under which they have been living. If they could be protected in their own land.



they prefer to remain there, but simply because of their connection with the Allies, because they fought all along with the Allies, they have lost everything they had and they are refugees.

Mr. DICKSTEIN. Have not they been restored to their rights?

Mr. McDOWELL. No. The Russians and English made them an absolute promise if they would fight alongside the Allies, if the Allies were successful they would be reinstated into their lands and given an independency, a distinct promise made to them, and I was there, and they fought with the Allies, and that promise was never fulfilled.

Mr. WILSON. Is Russia making any effort to fulfil her promise?

Mr. BOX. It was the old Russian Government, not this one.

Mr. McDOWELL. Yes; it was the old Russian Government. The English are the responsible parties.

Mr. FREE. I do not get through my head that this situation that they are in politically. England has a mandate over them?

Mr. McDOWELL. England has a mandate over them.

Mr. FREE. And who was directly their superiors?

Mr. McDOWELL. The Arab Government of Mesopotamia in part, and in part the Persian Government across the border.

Mr. FREE. Who oppresses them?

Mr. McDOWELL. The Kurds and Turks and Arabs.

Mr. FREE. Is it an economic or religious oppression?

Mr. McDOWELL. It is a mixture. It is religious prejudice, but it is the innate selfishness of man. The Turks have always been the stronger party, and have oppressed them because of what they could get out of it.

The CHAIRMAN. If 5,000 were able to move to the United States the oppression would go on until 10,000 would come if they could?

Mr. McDOWELL. That would depend upon conditions. If conditions would remain bad the other 10,000 would want to come, but if conditions are made possible for them to live they would remain over there, beyond a doubt.

Mr. DICKSTEIN. How could we control that, what they would do over there, so far as their governments are concerned?

Mr. McDOWELL. We could not control that at this time, but we can do them justice as well as mercy, and make them an independent national unit at this time.

Mr. DICKSTEIN. Are they Armenians?

Mr. McDOWELL. They are a separate people nationally. They are Assyrians.

Mr. BOX. They are not Turks?

Mr. McDOWELL. No; they are not Turks.

Mr. BOX. Neither are they Arabs?

Mr. McDOWELL. No; they are not Arabs?

Mr. BOX. They are Assyrians, and are different from Syrians in northwestern Persia?

Mr. McDOWELL. Yes, sir.

Mr. HOLADAY. Do they assimilate with the Turks and the Arabs?

Mr. McDOWELL. No; they do not. There is very little or no intermarriage among them.

Mr. HOLADAY. Why is that?

**Mr. McDOWELL.** Because of prejudice. These are a Christian people, proud of their past. They live in the heart of the inaccessible Khurdish Mountains, and have retained the traditions of their fathers. They were illiterate, but they have kept on hand their old manuscripts, written by their forefathers. They would allow the Khurds to carry off their sheep, their cattle and women, and have preserved their old books until the present war. They speak of the early church of Messiah of 320 A. D., just as we speak of the general assembly of New York or Philadelphia. They are proud of their past, and will not assimilate with Moslem people.

**Mr. FREE.** Do they intermarry with the surrounding people?

**Mr. McDOWELL.** No, they do not. It is very, very rare. Any women of these Christian people marrying a Turk or Khurd gains possession of all the household property; that is, the man marrying one of these people would take all of her property with him, and it is very, very rarely done.

**Mr. WHITE.** You say that a few thousands, in your judgment, would be about the number that would come here. Now, why, what is the differentiation between the few thousands to which you refer and the 200,000 comprising these people, the race? Is it on account of the particular locality of certain members of the Syrian race?

**Mr. McDOWELL.** No, sir; there would be two points. They are very devoted to their country, and they would rather live there. There are thousands of them that would rather stay in that land die fighting rather than go out of it, and they are going to stay. Many of them have friends in this country. We have five or six thousand in Chicago and in other places, in Yonkers, N. Y., and New Britain, Conn., and they want to bring their relatives over, husbands being here whose wives and children are over there, and they want to bring them in, and that would only number a few thousand.

**Mr. Box.** Do you see any early permanent solution to the troubles of those people, such policies as will bring about quietude and relief to those people, or will not that problem continue indefinitely? Give us your judgment.

**Mr. McDOWELL.** My judgment is this, if England and America had acted promptly after the armistice those people would have been rendered safe up to the present time, and I hope for ever more. Because they did not fulfill their duty at that time, and fulfill their promises, the Turk has arisen, and is in the saddle, and will menace the safety of those people in the near future, and possibly inside of two years.

**Mr. Box.** Do you see the end of that menace?

**Mr. McDOWELL.** Only one or two things, their extermination or the other alternative, having them transported elsewhere. If America will not have them, we will have to find another asylum.

**Mr. Box.** It is transportation or extermination?

**Mr. McDOWELL.** Yes, sir.

**Mr. Box.** They will have to be taken out of that country or be exterminated, according to your judgment?

**Mr. McDOWELL.** That is my judgment in the matter, and I think I know the conditions there. The Turks are antagonistic to them. You know what they have done to the Armenians in the last year, and they are antagonistic to these people, and the Turks will take

hold, and they will strike at these people with their might, and it will either be that they will have to be transported elsewhere, or they will be exterminated by the Turks inside of two years.

The CHAIRMAN. Your suggestion is that the Assyrians should be recognized as a separate government, and not be put down by the government as part of another race?

Mr. McDOWELL. Whether you use the word "government" or "national," you would know about that. It is my hope that you might include them as a separate national, through which they would get the benefit of their quota. They are not Asiatic.

Mr. RAKER. They are included in the barred zone now, are they not?

Mr. McDOWELL. I presume they would be; yes, sir.

Mr. RAKER. From looking at the map, they are.

Mr. McDOWELL. I am afraid they would be, but they are not Asiatic. They are imbued with the same spirit that imbues us to-day.

Mr. HOLADAY. Do you know how many Assyrians there are in the United States to-day?

Mr. McDOWELL. They number less than 10,000.

The CHAIRMAN. What other nations, that can be called nations, are included in this quota law, are you able to say?

Mr. McDOWELL. I am not able to say. Other Asiatic would include everything outside of those definitely designated.

The CHAIRMAN. A large part of Asia is in the so-called barred zone, cut off from immigration to the United States by the geographical boundary in the act of 1917. Look at that small portion outside of the barred zone down this way [indicating]. When was the last immigration to the United States from Assyria?

Mr. McDOWELL. That was up to the passing of the 3 per cent law. They were discriminating at that time. We were helping them over there. We are at Bagdad, or were at that time, and through their consul as many as desired to come, who had relatives in this country, were admitted, not with money; their own people paid the passage fare, but assisted to get the passports and instructions as to how they were to be.

The CHAIRMAN. And the people in this country supplied the money?

Mr. McDOWELL. Their people in this country supplied the money. The Assyrians in this country, which are Armenians, sent to us nearly one million to their people over there in personal remittances. It was sent to the nearest relief, and we handled the money up to \$1,000,000, sent by Assyrians in this country, a few Armenians, to their relatives over there, in the Bagdad area.

Mr. FREE. What do you mean by "we," your wife and yourself?

Mr. McDOWELL. My wife and myself.

Mr. RAKER. Are these people tenacious to language and history?

Mr. McDOWELL. They are proud of their past. They have no national aspirations to hurt them. They are foot-loose to come to America and take foot here.

Mr. FREE. Could they take a literacy test?

Mr. McDOWELL. Many of them could, and many could not.

Mr. RAKER. Do you not believe it would be better, if we are going to help the people in this world that are in trouble and stress,

including the Assyrians, to try to do it on their own ground, and let them work out their salvation, rather than bring all this dissatisfied element to the United States?

Mr. McDOWELL. They are not dissatisfied when they reach the United States, and they are absolutely unable to defend themselves in the place where they are, in their own country. They are thrust out, because of their connection with the Allies, and it is impossible to get them back to their homes and protect them.

Mr. RAKER. What was their home before?

Mr. McDOWELL. I beg pardon. I did not understand you

Mr. RAKER. Where did they live before?

Mr. McDOWELL. Their home was in central Khardistan, and down on the plains of northwestern Persia.

Mr. RAKER. How far is that from where they live now?

Mr. McDOWELL. The Assyrians on the Turkish side are within 100 miles, you might say, anywhere from 50 to 100 miles.

Mr. McREYNOLDS. Their homes were taken away from them and they were driven away?

Mr. McDOWELL. Yes, sir; that is correct.

Mr. RAKER. Do they hold their home property in Mesopotamia?

Mr. McDOWELL. They have no property of their own. Their property was in their own territory.

Mr. RAKER. Do they have any property where they are living now?

Mr. McDOWELL. No; they are living in villages. They have personal property, a bed, a mattress, a pillow. They may have a mattress or a pillow.

Mr. WHITE. No livestock, do they?

Mr. McDOWELL. They have pots to cook their victuals in.

Mr. FREE. Who owns the land they live on now?

Mr. McDOWELL. The land was owned by Khurds and Arabs. The English in 1921 gave these people the use of certain empty villages that belonged to Arabs and Khurds. That was done by the English Government.

Mr. RAKER. Who owns the land now?

Mr. McDOWELL. Originally it was owned by Khurds.

Mr. RAKER. Somebody must have some sovereignty over it.

Mr. McDOWELL. Things are very loose over there, especially at the close of the war. It was under the control of the English, and the English tried to get rid of the people, disposed of them by assigning them to certain deserted villages.

Mr. RAKER. They are living in this large territory, and some one must have sovereignty over the land, that is, the ownership of it.

Mr. McDOWELL. The Arab Government.

Mr. McREYNOLDS. There are no individuals?

Mr. McDOWELL. They would be in time, but they must have their deeds, because land in Turkey is owned in fee simple.

Mr. RAKER. I am talking about this particular tract, where the Assyrians live.

Mr. McDOWELL. It is a land emptied in part by war, and in part by the English Government, to give to these people. These people were wards of England at that time.

Mr. RAKER. Does the English Government now control this territory?

Mr. McDOWELL. Only in part. They were put out. They had expected to establish their own rule over this land. The Arabs refused to acquiesce and it is now an Arab Government, with a shadow of authority on the part of the English.

Mr. RAKER. Did you say they have a mandate?

Mr. McDOWELL. They have a mandate, but not such a mandate as they have in Palestine.

Mr. RAKER. They have a mandate like they want America to take for the Armenians: is that right?

Mr. McDOWELL. No; they have that mandate in Mesopotamia just as they have in Palestine, but the Arabs in that country arose against the English and deposed their rights and the sovereignty was handed over to the Arabs.

Mr. RAKER. Who finally settles their difficulties and troubles? Does it not finally come up to the English authorities?

Mr. McDOWELL. No, sir; it would be handled by the Arab Government.

Mr. RAKER. The English Government has not control over it?

Mr. McDOWELL. Only such control as they have for the time being.

Mr. FREE. Where did they get the land they were put out of; did they get it from the Turks?

Mr. McDOWELL. No, sir; they were there from time immemorial, going back to the Christian centuries. They were there before the Turks came.

Mr. WHITE. They were there when they were first discovered?

Mr. McDOWELL. They were there just as the Kurds have been there from time immemorial?

Mr. RAKER. Here [illustrating] is a tract of a thousand acres and it is inclosed and has buildings on it. Who determines who shall go on that land?

Mr. McDOWELL. The English determine it in this case, simply because they have power at the time. They gave these villages to these people, but it was only a temporary matter.

Mr. WHITE. Is it fairly well adapted to agriculture?

Mr. McDOWELL. I am afraid you are rather judging that place by our own country. There is a great deal of unoccupied territory there, no man's land, so to speak.

Mr. WHITE. We have land out here in our country that is not worth more than about a cent a square mile for the purpose of agriculture.

Mr. McREYNOLDS. Do they have houses?

Mr. McDOWELL. No houses are left. When these people were assigned to this land even women and children built their own houses.

Mr. McREYNOLDS. What constituted the villages, if there were no houses?

Mr. McDOWELL. There was just the land.

Mr. FREE. What do they raise to eat?

Mr. McDOWELL. They were given seed by the English and they sowed it right there in the land, and a great man of them started taking employment among the surrounding farmers, and they simply scratched a bare living out of the soil in that way.

Mr. RAKER. I can not get it in my mind yet. No difference what the country or nationality is, there is always a difference of opinion as to who shall occupy particular tracts of land?

Mr. McDOWELL. Yes.

Mr. RAKER. Now, these people, to the number of about 200,000, have gone into this territory?

Mr. McDOWELL. Not 200,000 in that territory. The 200,000 includes those that are also throughout Persia.

Mr. RAKER. How many in this territory?

Mr. McDOWELL. There are two classes: Those who remained in their homes right about the city of Mosul and who never left; they would number perhaps 50,000. And then there is the refugee population in the villages just to the north of Mosul who would number perhaps another 50,000. They would be 50,000 refugees in there, out of their own homes.

Mr. RAKER. And they are mostly on what lands?

Mr. McDOWELL. On borrowed lands.

Mr. RAKER. Who owns the borrowed lands?

Mr. McDOWELL. The land is owned by certain men. Some of them have gone off into different quarters, running away from the English at that time. The owners of some of the land died during the war, and there is no claimant; it is under the control of the English. It was their poorest land in that country around about, and the English, because of their authority, temporarily gave these lands to these people, on which they could raise a living for themselves, and thus relieve the English of the responsibility of caring for them. They had been cared for by the English in refugee camps for four years, and the English in turning them adrift gave them so much money in cash, seed, and animals to go to these villages and earn their own living.

Mr. McREYNOLDS. Gave them so much land and they built their own villages?

Mr. McDOWELL. Yes, sir.

Mr. WHITE. Are they a race with a nomadic tendency?

Mr. McDOWELL. No, sir; they have never been nomadic in their tendency, but have always had their homes.

Mr. WHITE. They come here, do they, with a fair appreciation of our Government, our Constitution and the principle on which it was founded? They do not live by marauding on other classes of people?

Mr. McDOWELL. No, sir.

Mr. WHITE. You think they would make good citizens, do you?

Mr. McDOWELL. I do. I could bring before you in a few days specimens of these people who are earning their living in this country. They would earn enough money to buy themselves farms and homes and they are rising year by year. I would be very glad to bring these men here and you would scarcely be able to distinguish them from ordinary Americans.

The CHAIRMAN. Do you think thousands of them would be willing to come, for instance, to northern Maine and settle there on so-called abandoned farms?

Mr. McDOWELL. That would be a question whether they would go to northern Maine or not. There are numbers of them in northern Indiana with their families who own their own homes, and

there are some also in Chicago. There are several thousand farms in Maine on which they would be willing to locate some immigrants if the law would permit them. They might be very glad to have Assyrians.

It would depend on the quality of soil whether a living could actually be made out of those farms.

The CHAIRMAN. They could doubtless make a better living there than they are making now?

Mr. McDOWELL. Undoubtedly.

The CHAIRMAN. But you could not guarantee they would stay in Maine?

Mr. McDOWELL. I could not guarantee anything, of course. They are human beings with their own will power and it would be difficult to guarantee anything like that; and yet some of them would undoubtedly be glad of that opportunity.

The CHAIRMAN. If put down in northern Maine they would probably never get away from there?

Mr. McDOWELL. Possibly not.

Mr. RAKER. Are they productive enough and are they good enough workers to make a living?

Mr. McDOWELL. That is, where they are or here?

Mr. RAKER. Over there where they are now.

Mr. McDOWELL. If they were protected now, certainly they would make a living there.

Mr. McREYNOLDS. What do they raise over there?

Mr. McDOWELL. They raise wheat and some of the cheap grains for their own food, but the grazing of sheep is their main source of wealth.

Mr. RAKER. In other words, there is enough land and they can raise enough on it to provide themselves with all the necessities of life and get along comfortably quite well, but the trouble that appears to you is that some time other governments or peoples are not going to treat them right.

Mr. McDOWELL. They are surrounded by Mussulman people who are very hostile to them, and unless there is some superior power of control of those Mussulman people they would suffer to the point of extermination.

The CHAIRMAN. We will now hear Mrs. McDowell for a few minutes.

#### STATEMENT OF MRS. E. W. McDOWELL.

Mrs. McDOWELL. I was originally a high-school teacher in Chicago, prior to the war, and in 1919 I went out in the Near East and met Mr. McDowell, who had been in this refugee camp of 45,000, after they were driven out.

But I wanted to speak just a minute of what they were in this country, because Mr. McDowell has been with them over there 36 years, but I have been with them in Chicago. And just this summer I went down into the State of Indiana, and I have seen those men come to this country just as immigrants, ignorant of our language and therefore appear ignorant, but they worked up in Chicago through the lower strata, and ever so many of the men I knew, as I

taught among them five years in Chicago in night school, and I find them now buying their homes. They are absolutely loyal to America when they get here, and they are buying their own homes, especially farms.

I went down and visited among them and stayed for a couple of days around Knox, Ind., where they are doing regular agricultural work and where they have these beautiful chicken farms; and they are also developing there especially fine vineyards like they had over in Persia. They are splendid citizens in every way; and I thought that that was one point that might be given a little weight.

The CHAIRMAN. What sort of work were they doing in Chicago?

Mrs. McDOWELL. As they come first, they must begin at the bottom, and many of them are stonemasons and brickmasons, and they begin by earning pretty good wages, say, around \$10 a day, and there are some of those who came over that want to send for their wives and children. They were caught in the war. They want to bring them here and be real citizens and have homes.

Then others of them are working in hotels, running elevators and everything of that kind at first; doing janitor work, and so on. The big gas building in Chicago is swept from top to bottom by Assyrian men between 9 o'clock at night and 3 o'clock in the morning; and then the women of other nationalities come in and wash it up. The Assyrian men do the sweeping for them. That is when they first come. But they work right up.

We also have Assyrian men there who are well educated, who have come right up through our schools, and some have graduated from our universities; some of them are doctors. They are there in Chicago in their offices doing splendid work among their own people. Some of the girls come up right through the Chicago high schools, and one is a librarian. They are taking their places among these Syrians and among other nationalities which we can not take; and I feel they are holding their place in this country and are devoted to it.

The CHAIRMAN. They are not different in that respect from any other refugee people who have reached the United States since the outbreak of the European war? It is felt that places would have to be made also for the Poles and Russians.

Mrs. McDOWELL. Except that we are asking for agriculturalists, and I believe that that is the line that these people are best in. A great many of them are in Turloc County, Calif., employed in the vineyards there.

They have also located up around Flint, Mich., on farms, as well as in Illinois, Indiana, and Ohio.

They first congregate in our big cities, because they have to begin at the bottom. But as soon as they accumulate a little funds they go right out and buy homes and bring their families, if you will permit their families to come.

We can not help but feel for the pathetic condition of division of families. There are over in Marseilles some 200 of these people. I do not know just the number now—some came in in July. But some of them, and among those my own little cook, have been in Marseilles for two years trying to get in. Through some technicality my little cook can not come. She has not a father who has citizenship, and the appealing part of it is that she was coming to



be married. And there are more of these men than women, and they would like the women to come over; and I would like to plead for those women in some way. It is a social injustice that there should be five or six thousand men in Chicago and perhaps not more than 200 women. There are lots of social problems that grow out of that. You would know more about it and appreciate it if you worked among them. Those women and wives and brothers have their families who should certainly come in.

The CHAIRMAN. We will now hear the gentleman from Maine.

#### STATEMENT OF JAMES Q. GULNAC, BANGOR, ME.

Mr. GULNAC. I am here representing the State chamber of commerce and agricultural league, and also the State pier, which is a State-built pier in the city of Portland, just completed within the last year, on which have been built also immigration quarters for the landing of immigrants into the United States.

The CHAIRMAN. Who built those wharves?

Mr. GULNAC. The State.

The CHAIRMAN. With the immigration quarters?

Mr. GULNAC. With the immigration quarters. I happened during the four years that was under construction to be one of the directors of it. I mention that simply as a reason for my interest in this particular question. I knew nothing about immigration, and I had no particular reason for knowing anything about it until, because of my responsibilities as one of the directors of that pier, spending State's money for immigration quarters, required my studying the subject a little bit; and since I have represented the northern and eastern part of the State, a part that was not particularly interested in spending the citizens' money for immigration quarters just for the purpose of having them pass through even one of the cities of our State, I thought it was up to me in representing that section to see if there was some way in which the expenditure of that money could be used for my section of the State, inasmuch as we had lots of what have been referred to here as abandoned farms, which perhaps should be better called or more correctly called unoccupied farms, because they are not abandoned farms to the extent that no one owns them or that no one is paying taxes on them. They are simply farms the doors of whose buildings have been nailed up and whose windows have been nailed down and the people moved away to the city or to other States and which have been left unoccupied and not used. Probably if the truth were known the taxes are being paid on most of these farms by some one. But they are not being used.

That was my introduction to this question, and I want to say to you, gentlemen, that I had the privilege a short time ago of meeting your chairman here, with some other representatives of our State, and going over the situation a little bit; and one of our reasons for wanting to come here was to show by my presence here from that section of the United States the interest that some of us business men, not in any way connected with the service one way or the other, are taking in this question, and hoping by my presence here perhaps to demonstrate to you men that some of us are beginning to realize

not only the seriousness of this question but the terrific responsibility that rests upon the shoulders of particularly you gentlemen here.

It has been a surprise to me to find how few, just like myself, know anything at all about immigration; how misinformed lots of people are on that subject. I recognize more than ever the seriousness of the future of this country and the responsibility that rests upon us and to a greater extent upon the members of the Senate and House who are giving their particular attention to this question.

I believe absolutely from the little study I have made of it that immigration holds more for the future of this country for good or bad than perhaps any other issue, taxation or anything else. We may have some issues that perhaps appear a little more immediate, but as far as the effect for good or bad upon the future of this country is concerned, I hold that nothing in our whole existence—governmental or otherwise—has the same importance as this question of immigration.

I believe from the little study I have made, even disregarding the possible bad features of the working out of our quota system, the last restrictive measure that we have put on our books, in spite of that I feel that that has been a step in advance over what we were doing. We do need restriction. There can not be any question about that, and there is no need of my talking this to you gentlemen, who know so much more about it than I do and are so filled with the subject on account of hearing from all sections of the country. It has served the purpose. When we stop to realize that during the 30 years from 1890 to 1920 the number of foreign-born in this country originally from the north and west of Europe has decreased in numbers over a million and a half, something like 13 per cent, and during that same period the increase of residents from southern and eastern Europe has increased something like five and a half million, or over 600 per cent, that makes us realize that there is need perhaps of restriction.

The restrictive measures, I believe, have served a good purpose, and I believe that the time has come, and that the people of the country, if they would but take the trouble to look into this question a little, would be almost a unit in saying that the time has come when we should go a little further; that not only should we consider restrictive measures, but we should also go further and consider selective measures. I do not believe that just by making more exclusions for one form or another is necessarily going to have the effect of bringing to this country the right kind of immigrants which we want. Why is it I wonder that during this period of 30 years that the immigrants from the north and the west of Europe, the section of Europe which produced our ancestors, the ones who founded this Government for us, the immigrants have decreased to a million and a half or billion? There must be some cause for that.

Mr. WHITE. What race was that?

Mr. GULNAC. That from the north and west of Europe.

Mr. WHITE. The witness knows that at present great interest is being given that immigration. They are coming here in waves.

Mr. GULNAC. As I understand it, even from the north or west of Europe, or from any section of Europe, the number, of course, that can come in is dependent on the quota based on the 1910 census,

and probably will depend in the future upon some sort of restrictive control—numerical restriction, either of that census, the census that is now being used, or some other.

The point I am making is that even with our restricted measures are we getting altogether the class that we want? In other words, as far as we in Maine are concerned, we want people who will go on our farms; we want farmers. I imagine that the most of the publicity that is being given in Europe as to whether farming in this country is profitable or otherwise is such that it would not tend to bring farmers here. There must be some reason why the percentage of farmers and farm laborers that were coming to this country in pre-war years is so much greater than the percentage has been since. The number of farmers and farm laborers that were coming in in pre-war years is something like twenty-five times greater than it was during 1922. It seems to me that there are causes for these things, and I am wondering if perhaps some form of selection could be allowed it would not come nearer reaching some of these causes than others.

As I have stood at Ellis Island and as I have stood at Portland—because in November we had four steamers there, including the *George Washington*, landing passengers—and as I have stood up in Quebec, having visited that city to see the class of immigrants going there—and having done it officially, because of my connection with the pier at Portland—I have often wondered if our restrictive measures had anything to do with the fact that the percentages of the class which we need in this country were not coming.

I believe that we have economic needs, particularly agricultural and to some extent industrial, that we should give consideration to.

Mr. WHITE. Let me ask the gentleman this question: Do you not believe that if they are influenced by the information by which you have called attention that it is correct information? Do you not believe that the agricultural industry in this country is languishing to-day more than any other industry and that the industrial conditions are such that it is drawing farmers' boys and girls to the cities?

Mr. GULNAC. Yes. I do, absolutely; and it is because of that that we would like to be put, so far as Maine is concerned, in a position that we could go to the north of Europe, particularly to Scandinavia, and tell some of that agricultural class of the opportunities that we have there in Maine without breaking our laws.

Mr. WHITE. In Maine that is all right. I speak of the general situation in this country. I have no jealousy on the subject; I want the Maine farmer to prosper as I want every other farmer to prosper. But the general agricultural situation to-day, especially in the great broad section of the United States, the Middle West, that was helped by the transportation companies in times of early development by liberal and fairly low rates, to-day is almost in a condition of bankruptcy in many instances.

Mr. GULNAC. I realize that. However, I do not know—

Mr. WHITE (interposing). I think that agriculture is prosperous in Maine, and I can not understand why these farms are abandoned unless persons have prepared to follow a business that even there is more profitable. But agriculture must be much more profitable

there than it has been—I do not want to interrupt the gentleman at length—because your agricultural sections and your farms in those sections are closer to market really than they have been at any time since the settlement of the country?

Mr. GULNAC. Yes.

Mr. WHITE. I am merely giving you the comparison of the farms with the industrial condition.

Mr. GULNAC. I think there is every reason, Congressman, why the farms of Maine should be used to a greater extent than they are. Some of the reasons you have given, and there are other reasons, but in spite of these I could have taken you last fall and shown you great fields of hay which simply rotted, where they were not mowed, because the farmers could not get labor to do it. They were paying \$6 a day and then getting a class of labor that would not work and make it possible to even get it harvested in time. I could have taken you to other sections and showed you apples that rotted on the trees because they could not get laborers to pick them. I could have taken you to other sections and showed you that the people living on the farms were old people. The average age of the farmers on those farms is over 50 years, because the children have left on account of this same attraction. They have been going to the cities of Maine and to the cities of other States in the Union.

Now, I am believing that perhaps we could help bring another class in there that would assist some of those farmers who are there to harvest their crops and continue their business of farming if we were in a position to go and get a class of help that would be willing to work.

Mr. WHITE. Is there a good market for your products?

Mr. GULNAC. Yes. There is no question about that; and the farmer in Maine who will work—and by “work” I mean the kind of work required to be done on the farm, somewhat like our ancestors did—there is absolutely no question why he should not be prosperous. Over 80 per cent of the food that we consume in the State of Maine is brought from outside of the State; and all of you know that is practically true in regard to all of New England.

If your western people had the market that we have for our farmers in Maine and elsewhere in New England you would think there was no trouble with the situation at all; and yet in spite of that the farms are languishing.

Mr. HOLADAY. And the reason these farms are abandoned is because the owners can make more money some place else?

Mr. GULNAC. No. To a great extent the children of the people living on those farms have been attracted elsewhere, a good many to the West; and the people there to-day are old people who are remaining there and just figuring on probably living out their natural existence there.

Mr. HOLADAY. I know, but these young people have been attracted to other places because they think they can do better?

Mr. GULNAC. I have no doubt of that. All of the publicity is toward the high wages in the cities and elsewhere.

Mr. BOX. Suppose you knew that the conditions prevailing in Maine prevail in 25 of the American States, that is, that in that number of States the number of farms have decreased in the last

30 years. Then you would not think your conditions are local at all.

Mr. GULNAC. I do not think they are local in the least. I was born in New York State and I know somewhat of the conditions there.

Mr. Box. The same conditions exist there?

Mr. GULNAC. Yes. The only difference New York has is that the State itself within the last six or eight years has taken hold of the problem and they have brought some people into New York State.

Mr. Box. Do you not know that they have a number of counties that have decreased in population, a large number?

Mr. GULNAC. I do. I think that a part of the whole situation as far as I see it in Maine is dependent on our not as yet having gotten around where we are in a business way trying to treat and handle that condition as it exists. It may be that it would not be possible to find a class which we would want in Maine, because I tell you the people up in the State of Maine—and I can say it because I am not Maine or New England born—they are a very jealous lot. They think they are about as near 100 per cent American as any other section. They can find plenty of statistics to prove it. And yet I can take you up in one section of our State, away up in the northern part, where some people thought they could grow stuff, in Aroostook County, and show you New Sweden, where they did officially go over to Sweden and bring over a colony of some 50 or 60 families to start with; and there you would see a section of the country that is the most prosperous section of the whole State of Maine to-day, and I think to a great extent because they brought a kind of people who were equal to sweating and did not have to take a golf stick in their hands in order to sweat.

The CHAIRMAN. About how many families were brought over in that instance?

Mr. GULNAC. In the original lot there were something over 50 families. There were others who followed after. But Mr. Thomas, who was the United States consul during the Civil War, went over there and officially got together this first lot of some fifty-odd families and settled there.

The CHAIRMAN. That immigration runs back 55 years?

Mr. GULNAC. It runs back about 50 years. It was in the seventies some time.

The CHAIRMAN. Do those people own their farms?

Mr. GULNAC. They own their farms; I would like to have Mr. Thomas, who is still living, talk to you. We had him tell that story, when Mr. Husband, of the immigration department, was there, and he said that was the finest talk he had ever heard on immigration. He simply told the story of that settlement and stated that the schools of this district were now being taught by Swedish girls; both the American and Swedish children attending the schools where only English is taught.

The CHAIRMAN. I want to carry that out a little further. These families stay there and the children of those families stay there yet largely?

Mr. GULNAC. Yes.

The CHAIRMAN. What is the average size of farm in that locality?

Mr. GULNAC. I should say probably 150 acres, or something of that kind.

The CHAIRMAN. What is the land worth?

Mr. GULNAC. That land in that particular locality— I hardly feel justified in expressing an opinion, but there is some land up there that could not be bought for \$200 an acre.

The CHAIRMAN. Would it have an average value of \$200 an acre?

Mr. GULNAC. No; I would not say it has that value. But it is the Aristook County farms in the State that to-day have that value. I am speaking of value for purposes of sale and not for taxation purposes.

The CHAIRMAN. What are potatoes, which I believe is the chief agricultural product of that part of Maine, worth up there this fall?

Mr. GULNAC. I do not know what potatoes are worth at the present time. I should say they are probably selling for about \$1.10, or something like that. I am just guessing at it.

The CHAIRMAN. \$1.10 a bushel?

Mr. GULNAC. \$1.10 a bushel.

The CHAIRMAN. That is the price on the farm?

Mr. GULNAC. That is the price on the farm, and it is, I consider, a good price, though I am not a farmer.

The CHAIRMAN. The base of this thing is what the products are worth in the county which raises the potatoes. You think they are worth about \$1.10 a bushel?

Mr. GULNAC. I think that is about what they are bringing. They have a new cooperative marketing organization.

The CHAIRMAN. Would they be worth about \$2.50 in Portland, Me.?

Mr. GULNAC. I should say somewhat better than that.

The CHAIRMAN. Do you think the New Sweden would get along all right if we could get a number of these Assyrian people we just heard about to come in there?

Mr. GULNAC. If they were of a class that were not afraid of the cold weather. The thing that seems to me to be the most important thing for us up there is not alone the country from which they come, but as to the character of the people and as to whether they still believe in the value of work. We have some opposition even with our State officials to the bringing of immigrants in, because the thought of an immigrant to lots of people is of an undesirable human being. Because of that we have some opposition to the extent that one of them said, "You bring the immigrant into the State of Maine and put him on the farm and it will probably produce an unfair competition with native labor, because we are informed that very often the women and children of the immigrant family work." My answer to that is: Let us not fear that. Give them part of one generation among us, and I think that if that is a crime we will have corrected it in them. The kind I would like is any self-respecting, law-abiding person who would come to the State of Maine and settle on our farms and who was willing to work and who still respected work.

The CHAIRMAN. You said a few moments ago you stood at Ellis Island, Portland, Quebec, and perhaps elsewhere, and began to wonder whether we were getting the type that we should get.

Mr. GULNAC. Yes, sir.

The CHAIRMAN. And then spoke of the desirability of getting some people from northern Europe into Maine. You heard Mrs. McDowell speak about having the wives of certain Assyrian men who are now in Chicago come over. Do you think the Government would do better to let the men in from northern Europe before they let the wives in?

Mr. GULNAC. Mr. Chairman, I hardly know. As I sat and listened to Mrs. McDowell, I could not help but feel sympathetic to the appeal she was trying to make. Whether there is a danger from letting our sympathies rule us in a question like this, I do not know. I have a lot of sympathy in all they both said, but I do not want to attempt to talk on that, because that is not what I am down here for.

Mr. DICKSTEIN. In your opening remark you said the trouble was we had no immigration from northern and western Europe but that the immigration was from eastern and southern Europe?

Mr. GULNAC. No; I did not mean to say we had none. I meant to say I wondered what the cause was that the number of foreign-born residents in the United States from the north and west of Europe had decreased so much. In other words, we have about 1,600,000 less foreign born from that part of Europe than we did in 1890, and I wondered what the cause was for that.

Mr. DICKSTEIN. Do you think that the northern Europe immigrant is on a better and higher scale than the immigrant who comes from the eastern or southern Europe?

Mr. GULNAC. I would not like to express an opinion on that, except this, that I do know, as far as we in our section of the country are concerned, that our ancestors came from the north and west of Europe.

Mr. DICKSTEIN. We know the history all right. But I mean on the practical farming basis.

Mr. GULNAC. I do. I think that probably it is the north of Europe where you would find people more used to the climatic conditions such as we have in Maine. We do not want to bring people there who will not make good, nor do we want to go to the trouble of having them come and live there if they will not be satisfied.

Mr. DICKSTEIN. Can you give this committee any proof at all that the man from northern Europe on your farm is of more value than the man from eastern and southern Europe on your farm?

Mr. GULNAC. I can give you an illustration of New Sweden, which has been a success. It brought a type to our State that was familiar with a climate such as we have there, and which was familiar with the sort of work we have. They were familiar with the woods end of it. I would like to see a class come into Maine of which the men and the boys perhaps would go to the woods in the winter time and cut logs. We have got a combination of employment in Maine that is very similar to that which exists in Norway and Sweden and Denmark in the way of the labor and farming. That also applies to Finland. We have some good Finns up there. Senator Fernald doubtless will be glad to tell you gentlemen of some farms taken up by Finns right adjoining his farm in Oxford County. I heard him tell our delegation from Maine a month ago that they had been so successful that he and his brother in their canning business had made it a rule to advance whatever amount of funds the Finns in

that section asked, because their experience was that no Finn had ever asked for more than he needed, and in every instance they had paid the advance, a thing that he could not say for the natives of Maine.

I have seen people from south Europe this last November in Portland who were a nice looking lot of people, and I can not yet get myself to believe that everyone of the south and eastern Europe is undesirable. I do think that perhaps our laws have catered more or less to the undesirables from almost any country.

When we have a law which says that if you admit, upon examination, that you have come here because you know of some definite place to which you are going and for some definite employment you can not enter it seems to me that this is not at all catering to the industrious, thrifty class we want. I do not believe the thrifty class are likely to sell their belongings and move over here without some knowledge of where they are going and what they are going to do. I think that perhaps some of the southern and eastern Europe peoples would be desirable in Maine, except from the standpoint of climatic conditions.

Mr. DICKSTEIN. If you had good people from the south or eastern Europe who could do the kind of work you describe, you would have no particular prejudice against them?

Mr. GULNAC. No; I would not.

Mr. DICKSTEIN. You do not think they should be discriminated against?

Mr. GULNAC. No; I do not mean to imply that.

Mr. BOX. I call your attention to the fact that out of the immigration that came to the United States through the fiscal year 1923, amounting to something over 500,000 or something over 600,000, I believe, including Mexico and Canada, there were 25,405—I am referring to page 47 of the last report of the Commissioner General of Immigration—who were common laborers; in other words, about 5 per cent of that total immigration was made up of farm laborers. You would not hope to be able to supply the needs in your State and other States so situated for farm laborers by simply enlarging the volume of immigration sufficiently to supply it, would you, indiscriminately?

Mr. GULNAC. No, I would not want to see that.

Mr. BOX. In other words, you want to select men suited to the farming industry?

Mr. GULNAC. Yes, sir.

Mr. BOX. I want to ask you some questions along that line. If you have the right to select men especially adapted to the farming industries you would concede that same privilege, for instance, to the American Mining Congress when they come here? They are our fellow citizens and are entitled to the same consideration that you are, are they not?

Mr. GULNAC. Yes.

Mr. BOX. Suppose the steel industries come and say, "We want men especially adapted to our needs." You would say they are entitled to the same consideration at the hands of this committee as you are, would you not?

Mr. GULNAC. Yes, sir.



Mr. Box. Suppose the southern cotton farmer or western beet farmer says, "You must let in a very large number of Mexicans"—I will just use that class as illustrative, because they are especially adapted to the needs of the southern farmers—would you think that the committee ought not to at least give consideration to that?

Mr. GULNAC. Why, personally, for the sake of you gentlemen—

Mr. Box. It is not personal at all.

Mr. GULNAC (continuing). I would hate to see you put in a position where all of that would have to be done by you.

Mr. Box. If we shrink from such responsibility we ought not to be here. But I am trying to look at it as intelligent citizens see it. We must meet these responsibilities if we are fit for the positions we hold.

Mr. GULNAC. Yes.

Mr. Box. I just want you as an intelligent business man to see what is involved in your proposition.

Mr. GULNAC. Yes.

Mr. Box. We have, for instance, for a long time had a pressing demand for the bringing in of 40,000 Chinese coolies to meet the demands of the Hawaiian sugar growers. They are our fellow citizens and entitled to our consideration. Do you think we could consistently say to you gentlemen of Maine or any other State—and there are 26 such States as these—"We will let you go out and select in Europe or elsewhere the kind of men that you want," but when our fellow citizens, men whom we are trying to serve just as we are trying to serve you, of the mining industry, say, "We want men who will do our particular work," then should we turn a deaf ear to their request, after having granted yours? I would like to have an expression of your opinion on that.

Mr. GULNAC. That is just what I am leading up to. We have taken the liberty of having addressed a letter to Congress, which I would like to read here to the Members of Congress, and I would like to leave a copy here, which covers that exactly. It answers your question.

Mr. Box. On that point, because I want to find—

Mr. SABATH. If this answers the gentleman's question, then I think he should have the opportunity to read it.

Mr. Box. I do not want the whole article read during my examination. He can insert it later.

Mr. GULNAC. Here is the first thing we are advocating, which it seems to me would be worthy of consideration in solving that thing: First, that we advocate the establishment of an immigration commission with discretionary powers, including the granting to responsible parties of applications to bring settlers into the agricultural districts of this country, such settlers not to be figured against the quota for their country.

Mr. Box. You would not grant that to anything but the agriculturalists?

Mr. GULNAC. As far as I am personally concerned, if I were a member of this committee I would seriously consider the wisdom of granting it to other industries. We have not suggested it, because the argument that we come down here to make before you is for a certain, particular part of the United States and for a certain purpose. I would answer for myself—yes, I would.

Mr. Box. In order to be consistent, we would probably have to?

Mr. GULNAC. I think so. We have said to bring settlers into the agricultural districts, and we limited it to that because we thought that was as far as it was wise or that we could hope to even get a fair consideration of. I have been in the lumber business. I am not in active business now, because the labor conditions got so rotten that we could not continue. We had to depend on what we could pick up in the cities of New York or Boston and take them up there by the car load; they were not at all the kind to go in the lumber woods, with the result that costs got to be—

Mr. Box (interposing). About that particular class. Your policy and your criticism applies to that provision in the law which prohibits you from going over and inducing the kind of immigration that you want?

Mr. GULNAC. Yes.

Mr. Box. You studied the contract labor law provisions in our immigration act generally?

Mr. GULNAC. I have read it over a great many times.

Mr. Box. You know, I presume, that that is one of the oldest parts of our immigration law; that that is now about 40 years old?

Mr. GULNAC. I knew it was in the eighties some time.

Mr. Box. You are prepared to take issue with the soundness of that as the longest-maintained picture of America's immigration policy?

Mr. GULNAC. No. I am prepared to take issue in this way: That the purpose for which I believe that was inserted in our laws, to a great extent, is now taken care of by your quota restriction. When that was put in the law we had practically unrestricted immigration. It was fortunate, because employers did bring in droves of people because they are cheap laborers. I think to a very great extent conditions have changed, and that your quota conditions to-day to a great extent take care of the abuses which were practiced in the old days and which brought that law into existence.

Mr. Box. Let me call your attention to another consideration behind those laws, I think, more than some of the laws we originate now: The old immigrants, the colonists, our forefathers and the older immigrants for a hundred years after the revolution, came to the United States on their own notion, did they not? Nobody herded them up and brought them in? They came because our institutions and our life appealed to them, and they had personality, stamina and affinity enough—that is, affinity for our institutions—to come on their own notions. Do you not think that men such as they were, drawn to America by considerations such as moved them, are much more desirable from the standpoint of the welfare and prosperity than men that you now go over and talk into coming, induce to come, when they were either lacking in initiative or for some reason unwilling to come here and join in the work that our fathers exemplified? You see the difference?

Mr. GULNAC. I see what you mean; yes.

Mr. Box. My judgment is that was the moving considerations, along with the evils you mentioned; and does not your request ignore it?

Mr. GULNAC. I do not think so, because I think the times have materially changed. I think to-day with the limited number and the

fact that they have got to come in here from practically all of the northern countries, the first day of the first week of the first month keeps a lot of the more responsible class from coming. I do not believe men with a family to support would consider selling out and coming over here, taking the chance, if they have studied the laws under the present requirements of getting over here and being turned back because they are a minute too late.

Mr. Box. Did not this new immigration begin to preponderate and did it not assume overwhelming proportions in our immigration for 30 years before we adopted the laws that you criticize now?

Mr. GULNAC. I do not know that I just caught your question.

Mr. Box. You direct your criticism to the quota law, do you not?

Mr. GULNAC. I do not direct criticism to the quota law at all; I simply say that I think that has changed the condition.

Mr. Box. You think that that has changed the condition?

Mr. GULNAC. do not criticize it.

Mr. Box. I know you did not exactly mean to criticize, and my words were not quite accurately chosen. But you indicated that that might keep a good farmer from coming?

Mr. GULNAC. Yes, sir.

Mr. Box. But suppose that had not existed for 30 years before, and that during that whole 30 years these farmers had ceased to come, or the numbers of them had been greatly reduced and the new immigration had not come in greatly increased proportions. Then you would not charge that change in the character of immigration to the quota law, would you?

Mr. GULNAC. No; but I do not think that that is altogether true; for instance, in pre-war years, from 1910 to 1914, the average number of those who came in classified as farmers and farm laborers was 251,000.

Mr. Box. Out of how great a number?

Mr. GULNAC. Out of the 746,000; in other words, 33.6 per cent in the years 1910 to 1914; and in 1922 the number so classified was 10,479, or 9.5 per cent. I have not seen the figures for 1923, but I judge from what you said that the percentage of farmers for 1923 is less still.

Mr. Box. But you spoke a moment ago of the great crowd from southern Europe as against northern Europe. Do you not know that the northern Europe immigration, the kind that appeals to you now for your farming purposes, fell into a minority some 30 or 35 years ago? Have you studied the history of immigration as it was when we began to deal with it after the war and for 30 years before?

Mr. GULNAC. I know that the census figures for 1890 from that section of Europe were a little over 7,000,000, and that this number was reduced in 10 years to 6,800,000; and from 1900 to 1910 about 300,000 more; and from 1910 to 1920 about 1,000,000 more from those sections.

Mr. Box. You know that term used by students of the immigration problem?

Mr. GULNAC. I think I do.

Mr. Box. You mean by the "new immigration" that it is the main bulk of the immigration from southern and eastern Europe,

and the old immigration the main bulk of immigration from northern Europe?

Mr. GULNAO. Yes.

Mr. BOX. Do you not know that about in the 80's, prior to 1890, that the old immigration fell into the minority, and that since then the new immigration has been gaining in its proportion?

Mr. GULNAO. Yes.

Mr. BOX. It was not due to the quota law?

Mr. GULNAO. No; it was not.

Mr. FREE. Is not this a fact in regard to the decrease in getting farms? You know originally in this country we had land to give away. Now that land is all taken up. There is not any land to be given away in the United States that is worth having. When an immigrant comes here he has either got to have money to buy a place or make a substantial payment, or else he is reduced to the standard of the ordinary farm laborer. Is it not true that most of our farm products are seasonal products? In other words, one or two men can take care of a farm so far as the cultivation is concerned, plowing, harrowing, and sowing. But when a crop comes to fruition, then you want a lot of people?

Mr. GULNAO. Yes.

Mr. FREE. You then employ them for two or three months in a year, and then they are thrown about for the rest of the year to exist somehow. Is not that the real answer why our people are leaving the farms and why we are not getting more farmers coming here from other countries?

Mr. GULNAO. I do not know. I wish I knew the reason.

Just let me state this from my own personal experience. Whether it has anything to do with the exodus of the farm, I do not know. But I once taught a district school a short distance from a city in southern New York State. I had played football on the high-school team before that, and had given the scholars complimentary tickets to all the games. Very few of these tickets were used, and on inquiry I found that some of them had not used them because they felt they would be known as my scholars, and so would be known as farmers. I think that what we have done in this country, unintentionally perhaps, through the use we have made of the name "farmer" and the ridicule we have placed upon the farmer by making him synonymous with the "hayseed" and "rube," has had with the young people coming up a material influence in getting them away from the farm.

Mr. BOX. Those that have sense know better.

Mr. GULNAO. They know better, but the young people coming up are sensitive on that point.

Mr. FREE. Take this situation of mine: I own a prune farm in California. One man working practically three months in a year can do everything except taking care of the fruit when the crop is ripe, when I need 15 to 20 people for one month. What are those people going to do the rest of the time? Do you suppose that is going to attract people to the farm to work one month and lay idle the balance of the year?

Mr. GULNAO. I should think that is a very serious phase of the problem. Fortunately for us in Maine we have conditions not as serious as that. We do think if we can get the right class of

people that we have a good combination between what we can offer with the labor in the woods, with the farming and often the added work there is during the summer, because of the tourists business at the hotels and other places. So it seems to me we are much better off in that respect, and I wonder why we are not keeping up as well as the fellows in the West are. You are solving the problem much better than we are in the East.

Mr. FREE. Do you know why we are doing that? We are arranging successive crops. We have an itinerant farm labor crowd out there. We start in early in the season with one crop: Take cherries, for example; then apricots, then peaches, then pears, then prunes, and then berries in the winter; and we shift those laborers around from one thing to another. So, in a sense, they are itinerants and they are working seasonal work all the time. But we are trying to keep them moving and keep them busy.

In other sections where you have not got a succession and a great variety of crops you have a different problem. Take the wheat farmer. What is he going to do? He has got to plow the land, and then, when the wheat is ripe he wants the men. What is he going to do with them the rest of the time? Naturally those men keep away from there.

Mr. GULNAC. We, of course, do believe we have a combination in Maine that, if we can go to the right class, we have a story to tell them of a combination that would give them work nearly the year around.

Mr. WHITE. You want people who will engage in agriculture?

Mr. GULNAC. That is not the only purpose. The purpose first of all is to settle the farms and put more people in the smaller communities to make it possible to pay the taxes to run our State. That is the principal reason.

Mr. WHITE. I would like to ask you a question that has been omitted. I think perhaps Mr. Free has brought out your idea and Mr. Sabath's question about the lack of agricultural land in cultivation. But you are familiar with the history of European countries? The falling off of the immigration from the northern part of Europe is due just as much to the development of agriculture and industry in those countries as it is to the absorption of all our agricultural lands that are available. Do you know, sir, that when Bismarck became Prime Minister of Prussia, as it first was and afterwards Germany, the population of that country, Prussia, was 24,000,000. The population of Hanover and Bavaria, that afterwards became a part of the confederation, was 8,000,000, and increased in 1850 to 60,000,000; and that at the outbreak of the European war practically the same territory had a population of 80,000,000?

Mr. RAKER. Without immigration?

Mr. WHITE. Without immigration; and it was on account of the development of agriculture and the scientific impetus that was applied to manufactures and all classes of industry through scientific industrial research. Macaulay tells us, as you have no doubt read, that in the days of the Commonwealth, or about 200 years before the close of his life—about 1648 or 1650—the population of the Island of Great Britain was about 5,000,000. We do not

think of those things generally. Back of all this, you know, there are a thousand considerations that are basic, silent and yet inexorable laws that are working constantly. And those people found agriculture was not developed, and there was a gradual evolution of civilization.

That answers, I think, just as much and to as great a degree the questions that are propounded here from day to day as to why we have not had that immigration from northern Europe. The population of Great Britain runs about 38,000,000 to-day on the island. The population of France has undergone the same experience we are undergoing to-day. They were at one time, 300 years ago, the most highly civilized nation in continental Europe. They were far in advance of the German Provinces, and for that reason they had developed their agriculture and other industries and their population began to decline, that is, I mean its increase was arrested; and it is practically stationary at the present time.

We can not settle any of these questions by answering the single question. We are engaged in the consideration of a question which is undoubtedly vital to the interests of the American people, and their minds are exercised on this question in every section of the country, and I would like to ask you one question: You want this rural population in your State. You want it because you want cheaper agricultural products, and you want more of them. You are importing 80 per cent. of them. Do you suppose if we could readjust or restore the relative freight rates that existed before we started to advance them on the horizontal plan or percentage plan, which all students of transportation admit is unsound and which the Interstate Commerce Commission does not defend, that we might solve your problem? This problem is of recent origin with you, to some extent.

Mr. FREE. You are 3,000 nearer to the market than we are out West. They are right near the market.

Mr. WHITE. That is true, Mr. Free. I do not want to interrupt the witness, but originally I understand you admit that it was to our interest that the abandonment of farms along the Atlantic coast took place. The country that naturally was not so productive fell into disuse on account of competition from the West. Land was opened up in the West subsequent to the Civil War under the homestead law and the cheap transportation that obtained at that time. That is not a statement of opinion; that has been stated in the public print a thousand times, and you people in the East have deplored that situation, and we have gone along hoping we might continue to transport our products. Your agriculturists ought to be more prosperous, and I think they are becoming more prosperous from year to year. But my philosophy does not extend that far. I do not see why men should not engage in agriculture in your State. We pay 75 cents a dozen for eggs out here in the country at the farmer's door.

Mr. RAKER. Mr. Witness, have you given any study in the last five years to the condition of the farmers in the European countries?

Mr. GULNAC. No; I have not.

Mr. RAKER. Where would you hope to get farmers from the European countries?

Mr. GULNAC. From Norway, Sweden, Denmark, and I think at the present time there would be a chance in Switzerland. I happened to be in Canada last fall and met some Canadian officials who during the previous two weeks had been with the officials from Switzerland looking through the western provinces to find whether they thought that section might be suitable for immigration from Switzerland, showing that even the Swiss Government was very anxious to find a desirable place where their people might make good.

I later went to the Swiss Legation here in Washington, saying that if that was true we would be glad to have some of their people come to the Switzerland of America, the State of Maine. While that appealed to him, he did not know about the farming conditions in Maine. I think there would be a chance in Maine for some Swiss who know something about the tourist business such as we have in the summer and who know something about our climatic conditions.

We would not want to see people come up there who are not going to make good for themselves. We want a class of people to come there who would find it suitable. We would like just as far as we can, if any attempt is made to select, to get the class there that would make good.

Mr. RAKER. In regard to the farmers, have you been advised that so far as farmers are concerned in all those countries, they are in fairly good shape. The farmers are not the ones who are migrating, because they hold their land, and their indebtedness has been paid off by the depreciation of the currency, and they are not prepared to leave or intending to leave; and that the European farm population is decreasing instead of increasing?

Mr. GULNAC. They tell me in the department that in Denmark there is a surplus.

Mr. RAKER. On the farms?

Mr. GULNAC. Yes, sir; that is what they tell me.

Mr. RAKER. Where did you get that information?

Mr. GULNAC. From the Department of Immigration in Washington.

Mr. RAKER. Did you know that as a matter of fact the population on the farms in Denmark is decreasing all the time?

Mr. GULNAC. Decreasing?

Mr. RAKER. Decreasing; and that the population of the city dwellers is increasing?

Mr. GULNAC. They tell me here that one of the troubles in Denmark is they have not the opportunity of industrial developments through water powers and other things to make it possible for taking care of the surplus population. That is what has been told me here in Washington. I do not know about it personally.

Mr. RAKER. So, personally, you do not know how you are going to get these farmers, but if you did get them you would expect them to come here with enough money to purchase a farm or to buy it under a contract or sale?

Mr. SABATH. Or to lease it?

Mr. RAKER. I did not say "lease it." I did not take any of your time. Mr. Gulnac, have you got my question?

Mr. GULNAC. Yes; I have.

Mr. RAKER. So they would all have to come with plenty of means?

Mr. GULNAC. I give this as an illustration of what has happened, and Senator Fernald can corroborate what I have said, because it has happened in his district where they even advance the funds to people whom we did not look upon as altogether desirable.

Mr. RAKER. The Sweedish people you spoke of came here 50 years ago—that is illustrated all over the United States. It is not applicable now at all. What I am getting at is, if those farmers come they would have to come with enough money?

Mr. GULNAC (interposing). Not necessarily. Take for example, just what happened in Oxford County and Waldo County; the Finns came there first to work in the woods, and liked it, and some of them went to one of the banks to see if they could borrow—they did not have any money—money with which to buy one of these unoccupied farms. One of the directors said, "We will take a chance." The result of that has been that in certain sections in one of those counties there have been Finns who have taken up several different farms. They did not have money, but they showed a willingness to go on and work, and the local banks were prepared to loan them enough to buy and stock their farms.

Mr. RAKER. Your idea would be that it would bring men over who did not have the money and means?

Mr. GULNAC. No.

Mr. RAKER. Then, what do you want?

Mr. GULNAC. We want both. But we want, if we can get men of the right character, as I said before, men who will come here and work, who are not ashamed to work. I sat in this city with the head of the Grange, and he said most of the graduates of our agricultural colleges are not going on the farms. They may be going out and getting employment as farm agents and things of that kind, but not a great many of them are actually going on the farms. One of the greatest difficulties with us in Maine is that our agricultural colleges are turning out many young men and women graduates who are going into other lines than on the farms, and yet we are appropriating a million dollars a year of the State money to keep that agricultural college running. I would like to see men come to Maine who would work, if they were good, law-abiding, respectable people, if they have a little money; if they have a lot money, all the better. But if they are willing to work we will try to find some place for them.

Mr. WHITE. Do they make good citizens?

Mr. GULNAC. Yes, they do.

Mr. WHITE. Do they send their children to the American schools?

Mr. GULNAC. They do.

Mr. WHITE. And encourage them to learn the American language?

Mr. GULNAC. They do. Up in Aroostook County to-day, in that section where those Swedes originally settled, pretty nearly every school is taught by Swedish teachers, not only teaching Swedes but teaching all of our native born Americans. I tell you that that colony, so far as we are concerned in Maine, has not only been assimilated, but they have improved us.

Mr. BOX. They are teaching English?

Mr. GULNAC. They are teaching English?



Mr. WHITE. You said they are teaching Sweden.

Mr. GULNAC. They are teaching in the public schools and my children, if I should happen to be living up there, would attend, just as well as the child of some Swede.

Mr. RAKER. Do the children of these farmers leave the farms and go to the cities?

Mr. GULNAC. A great many, though not so many of those Swedes.

Mr. RAKER. I did not say "Swedes." Of the people I mean.

Mr. GULNAC. Yes.

Mr. RAKER. What are those boys and girls doing in the cities?

Mr. GULNAC. I do not know. We took a pilgrimage last fall with a special train through the West, and went all down through Washington and California to visit former Maine people. You have a great many Maine people out through the West who are making good in every respect in all kinds of lines. You have a couple of Senators from your Western States born in the State of Maine. They have gone to the West, to New York and Massachusetts; they are in all sorts of professions and industries of all kinds.

Mr. RAKER. And in the cities?

Mr. GULNAC. In the cities.

Mr. RAKER. Will you just tell the committee if those original settlers who improved the farms and built them up and lived there and raised their children why those children will not stay and work and become a part of the community? You hope to bring in an alien who will do better than the native stock of American citizens?

Mr. GULNAC. I think we can bring some in who will live the life. I think we can bring a class in that not only would be assimilated, but, as has happened in our State, would improve us.

Mr. RAKER. Are there not people in this community, taking them all over these States, sufficient to do the work in the cities and out, if the boys and girls in the cities would go out and work?

Mr. GULNAC. I should imagine so.

Mr. RAKER. If that is true, and I believe it is, are you not going to drive more American-born boys and girls from the farms into the cities by bringing aliens here to till the soil.

Mr. GULNAC. I do not think we are, in Maine.

Mr. RAKER. I did not say "in Maine." Take it all over.

Mr. GULNAC. I simply mentioned that because I am not qualified to speak of the country generally. I have taken but one trip through the West. I do not pretend to know that section there.

Mr. RAKER. Would it not apply in the Eastern States? You say these boys and girls are leaving the farms, and there is enough of them to do the work if they would do it. What I want to ask you is, are you going to send more of these boys and girls raised on American farms to the large cities, supplanting them with aliens? That is a plain question.

Mr. GULNAC. I do not think so, no. I thing this: I think that probably the things that have attracted the boys and girls in the past are continuing, that those conditions are still working. I think the time has come, so far as we are concerned there, that we have got to go and get a class that will come and stay where our own will not stay.

**Mr. RAKER.** Why not go to the cities and other places and get these idle men and women that are not working, that are living just from hand to mouth, and put them back on the farms, in order that they might do as their predecessors did?

**Mr. GULNAC.** My own experience has been this: We brought a class during the war and following the war from Boston and New York to Maine. It was not a success in any way. We were getting the best we could get down there; we were paying enough for them; and yet we could not get a class to even do the ordinary common work.

**Mr. RAKER.** Do you not think that before we overstock more that we ought to place ourselves in a position as a Nation to make the work attractive and to so educate both our young men and women and make the conditions such that they will do the work rather than to bring some one else in and thereby continue the crowding in the cities?

**Mr. GULNAC.** I think that if education can accomplish that it will be a wonderful thing.

**Mr. RAKER.** We have to come to it sooner or later, or change our form of government and change our methods of living.

**Mr. GULNAC.** Perhaps you are right.

**Mr. RAKER.** Had we not better start it now and had not these men who are seeking cheap labor from foreign countries better go down in their pockets and help arrange the laws and conditions so that we will put our own American boys back on the farm; is not that right?

**Mr. GULNAC.** I think there is a lot to what you say, but I think also this: I think there are economic conditions that should be given fair consideration by all, whether Members of Congress or otherwise, interested in the future of this country.

**Mr. RAKER.** What do you mean by "economic condition"?

**Mr. GULNAC.** I mean this: In my own case I am in the lumber business in Maine. There we have had to depend on a class from the cities that was so inefficient that we could not continue in business. The agricultural commissioners from all over the United States, after having discussed the reasons why they thought this immigration matter should be considered, and the question of selection given consideration, was the condition in the lumbering woods, where labor conditions were such that the cost of manufactured lumber was so great that the farmer could not even buy it. I think that deserves consideration.

**Mr. RAKER.** A great deal of our work is massed work by massed labor, is it not—on the railroads, in the mines, in the forests and in the factories, and has been so for the last 25 years; is not that true?

**Mr. GULNAC.** I suppose so; I am not familiar with all those conditions.

**Mr. RAKER.** You ought to know.

**Mr. GULNAC.** What do you mean by "massed"?

**Mr. RAKER.** One nationality doing practically all of the work on the railroads now is the Spaniards?

**Mr. GULNAC.** No; if you mean as to Spaniards, I do not; absolutely.

**Mr. RAKER.** Is not much of the mining and millwork of Pennsylvania now and for years past been done by massed labor imported from abroad?

**Mr. GULNAC.** I am not from Pennsylvania.

**Mr. RAKER.** Has it not been the case in the manufacturing cities in the East that not much of the work has been done by massed labor imported from abroad?

**Mr. GULNAC.** A lot of it has been by foreign labor that has come from abroad.

**Mr. RAKER.** It has been massed to the extent of 25 or 75 per cent foreign people; is not that so?

**Mr. GULNAC.** I do not know; I would not think so, no.

**Mr. RAKER.** Did you not know that in some places in Michigan up to 95 per cent in some localities, and communities where these great mines are, is massed employment by aliens?

**Mr. GULNAC.** I did not know that.

**Mr. DICKSTEIN.** That is all speculation.

**Mr. RAKER.** There is no speculation about it. It is a fact that every man who travels over this country knows; and it has been so for the last 30 years. Is it not a fact, Mr. Gulnac, that work in the past which has been done by American men, women, boys, and girls that because of the massed employment they have been driven from this work?

**Mr. GULNAC.** I do not know, I am sure. I do not know whether that is the cause or not. You gentlemen ought to know better than I.

**Mr. RAKER.** You do find now that if you put on a railroad crew or a crew in a mill consisting of 40 to 60 per cent of aliens of one or two nationalities the American man or boy will not work there; is not that true?

**Mr. GULNAC.** I think there is a lot of truth in that statement in the present crisis.

**Mr. RAKER.** Has not that been the rule?

**Mr. SABATH.** Mr. Chairman, Judge Raker should let the witness answer. The witness ought to have a chance to answer the question.

**Mr. FREE.** Mr. Chairman, personally, if this witness is not claiming to be an expert on this line, and Judge Raker wants to get this in, would it not be better to get it from some witness who knows?

**Mr. RAKER.** Have you figured upon any plan whereby we may be able to place our citizenry now in the United States—and they grow into hundreds of thousands—in lucrative employment on the farms and elsewhere?

**Mr. GULNAC.** I do not feel I am entitled to even express an opinion on that.

**Mr. RAKER.** All right.

**Mr. SABATH.** I desire to ask you a few brief questions. A few minutes ago Judge Box tried to bring home to you this fact, and I did not hear you answer it, that the former and early immigration came here with higher motives than the so-called new immigration. Is it not a fact that in the former years they were invited to come, and they were offered lands and inducements to come, which inducement and offer of lands are not being made to the present-day immigration?

**Mr. GULNAC.** I do not think there is any question but what this was done by employers, steamship lines, and States in former times

just exactly what the Provinces of Canada are doing to-day. They have had their agents over there soliciting, telling them the advantages. They have had no restriction, illiteracy test or otherwise. It seems to me our ancestors came to a great extent for the same reasons that now actuate those from southern Europe. They are coming because they thought they could improve their conditions. The thing we loved in our ancestors we are condemning in the people who are coming to-day. I do not think we should hold it against any human being from Europe or elsewhere coming here because they desire to improve their conditions or the condition of their own families. I think it is a thing to be praised.

The CHAIRMAN. How can you say that when you have been dealing for immigration from northern and western Europe when a very much larger appeal before this committee is coming from people already here from southern and eastern Europe who want their relatives to come?

Mr. GULNAC. I do not mean, Mr. Chairman, to appeal for them. I am simply expressing the belief that that desire is a thing that has been a good thing. I am not advocating one thing or the other, but I am hoping that something could be done that would make it possible to do some selecting as well as some restricting.

Mr. SABATH. There is another question I wish to ask you; have not the conditions in the United States in the last 40 or 50 years changed from this country being an agricultural country to being also a country that now perhaps is the leading country of the world in manufacturing and other lines than agriculture?

Mr. GULNAC. I should judge so, although I do not know the figures.

Mr. SABATH. Are we not the greatest commercial Nation of the world today?

Mr. GULNAC. Yes; I should think we could make that claim.

Mr. WHITE. You do not want to confine it in that respect?

Mr. SABATH. But we formerly were more of a purely agricultural Nation?

Mr. WHITE. That is true of all nations.

Mr. SABATH. And our exports were nearly all agricultural. But now the greater portion of our exports are things that not only grow on the farms but that we produce in our mines, factories and so on?

Mr. GULNAC. I presume that is true.

Mr. SABATH. We are a commercial Nation now. I do not desire to detain the committee, but you have spoken of the Scandinavians and the Swedish population?

Mr. GULNAC. Yes.

Mr. SABATH. Do you know anything of the agricultural population of the State of Wisconsin, of the Dakotas?

Mr. GULNAC. Just from what I have read in the paper.

Mr. SABATH. And even Texas and Minnesota? Do you not know that there are thousands and thousands upon the farms in these States that belong to the newer immigration, including Texas; that there are a great many large settlements or sections in Texas that have been settled by the so-called Slavic races, Bohemians, and the Poles, and the Slovaks?

Mr. GULNAC. I did not know that, but that is simply because of my ignorance.

Mr. SABATH. And that the land up to 15 years ago was worth perhaps \$2, \$3, and \$5 an acre, whereas now it is worth from \$100 to \$200 an acre.

Mr. BOX. Somebody ought to ask these questions, or answer them either, that knows something about the facts.

Mr. HOLADAY. He appears here solely in the interest of the American people and practically says he is interested in improving conditions in his own State. That has been refreshing to me.

The CHAIRMAN. If you will now hand to the reporter the letter you desired inserted in the record, it may appear at this point.  
(The letter referred to is as follows:)

STATE CHAMBER OF COMMERCE AND AGRICULTURAL LEAGUE,  
Portland, Me., January 1, 1924.

*To Members of Congress and Government officials:*

DEAR SIR: Citizenship and population are two of the vital, fundamental items of our national existence. Every good United States citizen must be interested in the quality of our citizenship, and in the additions made to our foreign-born population. The granting of certificates of citizenship is now reasonably safeguarded by our Federal Naturalization Act, but several features of our present immigration laws are inimical to the proper preparing for citizenship of those entering, as well as to other legitimate needs of our country.

It is felt that future immigration should be selective as well as restrictive, and it is believed this can best be accomplished through the means of a law sufficiently flexible to prevent many of the pitiful experiences of the immigrants when entering, and to render aid to the actual agricultural and industrial needs of our country. We are, therefore, advocating the following changes:

1. The establishment of an immigration commission with discretionary powers, including the granting to responsible parties of applications to bring settlers into the agricultural districts of this country, such settlers not to be figured against the quota for their country.

2. The preliminary examination of all prospective immigrants at the ports of embarkation.

3. The registration of all aliens.

We believe that an immigration commission could correct many of the injustices arising under our present immigration laws, and that this would make for a more intelligent and humane treatment of our prospective citizens. We believe such a commission could be of great help in solving the labor problem on the farms. It is also our belief that one of the conditions of admittance under application, as outlined above, should be an agreement by the person admitted to remain at least three years in agricultural pursuits.

We believe that preliminary examinations at the ports of embarkation would prevent many of the pitiful experiences and unjust treatment (due entirely to our present laws) of immigrants, many of whom spend their life savings to get to our shores where they learn for the first time that they can not enter.

We believe that the registration of aliens would aid greatly in lessening the smuggling into this country of undesirables, and without doubt, every person smuggled in is an undesirable. A commission with power to grant applications to bring immigrants into this country should find it possible to develop a plan of thorough registration. One of the conditions of granting an application should be that the applicant be held responsible for the continued registration of those brought in through his efforts.

We are opposed to unrestricted immigration and desire to see it made impossible for a single undesirable person to enter this country. We are in favor of selective immigration, and desire to see it made easy and humane for the desirable ones to enter. We think every applicant for admission into this country should have a definite and a good reason for coming here, and that this reason should be known and acceptable to our Government.

Very truly,

STATE CHAMBER OF COMMERCE AND AGRICULTURAL LEAGUE,  
By JAMES Q. GULNAC,  
HENRY F. MERRILL,  
FRED A. GILBERT.

**STATEMENT OF MR. HERBERT WILSON SMITH.**

Mr. SMITH. I am connected with the American Mining Congress, which organization has taken a deep interest in the immigration question. We have an immigration committee composed of three members who are present, and the chairman of that committee, Mr. Howard D. Smith, of the Consolidated Copper Mines Corporation, will talk to you first, if he may, and then the other two gentlemen will present their statements.

**STATEMENT OF MR. HOWARD D. SMITH, CONSOLIDATED COPPER MINES CORPORATION, NEW YORK CITY.**

Mr. SMITH. Gentlemen, we heartily favor selective immigration.

The CHAIRMAN. What do you mean by "selective immigration"?

Mr. SMITH. A selective immigration under which such immigrants as may be allowed to come in here shall be particularly selected for the particular purpose; that if miners are needed we shall have miners; some miners in the State of Nevada where we badly need them now, and if they are not needed we will do without them. In other words, have the test of whether a man shall be admitted or not the good of the country generally. We believe that our selfish interests will be best served that way.

The CHAIRMAN. When speaking of miners, you mean their families, of course?

Mr. SMITH. Certainly.

The CHAIRMAN. Are you from Nevada?

Mr. SMITH. Yes.

The CHAIRMAN. How many miners do you need in Nevada this year?

Mr. SMITH. That varies; but we could use a thousand with very good advantage there now in the State.

The CHAIRMAN. And use them next year, too?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Do you guarantee this year and next year?

Mr. SMITH. I think we could do that.

The CHAIRMAN. You positively guarantee that?

Mr. SMITH. I do not know about positively; there may be a cataclysm.

The CHAIRMAN. What are you going to do then?

Mr. SMITH. Well, there is, of course, a certain chance to be taken in that regard, but I think it would be a very minor one. If necessary, I think we could make a guaranty.

The CHAIRMAN. If you were the agent?

Mr. SMITH. Understand, anybody is cautious about absolute guaranties who expects to carry them out.

The CHAIRMAN. I am asking serious questions. You are permitted to represent the mining industry of Nevada, and if you were permitted to go abroad to get 1,000 miners for Nevada now, where would you go?

Mr. SMITH. We would go to the northern countries in general.

The CHAIRMAN. Name some of them.

Mr. SMITH. We would go to England to get some Cornish miners and Northumberland miners.

The CHAIRMAN. How would you go about it? What would you say when you go to Northumberland; what would be your proposition?

Mr. SMITH. The men who were gotten this year were obtained by having a representative over there and using great care to see whether these men would be suitable for the work they were expected to do.

The CHAIRMAN. You got some this last year?

Mr. SMITH. We did not ourselves take advantage of it, but the Lake Superior people did so, and we were preparing in Utah and Nevada to do it when the quota ran out.

Mr. FREE. How many months of the year would you employ them?

Mr. SMITH. The year around.

The CHAIRMAN. You say the Lake Superior people had some men in the Cornish country in England?

Mr. SMITH. Mr. Todd, of our committee, was over there two months.

The CHAIRMAN. We will talk to him about it. You could offer fine wages to men who would bring their families to come to Nevada?

Mr. SMITH. Yes, sir.

Mr. HOLADAY. What wages would you offer?

Mr. SMITH. The going wage is \$4.75 for miners. Of course, they have many advantages. The board and room costs them at our mines \$36 a month, and the company loses money on it.

Mr. HOLADAY. Have these prospective miners you would get in these countries had experience in mining similar to your conditions?

Mr. SMITH. Yes.

Mr. HOLADAY. Would a coal miner be of any service to you—that is, a man experienced in coal mining?

Mr. SMITH. Very often that would be the case. If he had never worked in a metal mine, he might need a certain amount of coaching.

Mr. HOLADAY. We hear that in the coal industry the trouble is that the mines only operate a few months in the year, and then these men are thrown out and are idle the rest of the year. That is one reason given for the very high rate paid coal miners and the high cost of the coal. Would it be possible for you men engaged in the mining industry to have joint use of those men; in other words, you take them 9 months of the year and the coal miners take them 3 months of the year?

Mr. SMITH. Something of that kind might be worked out.

Mr. HOLADAY. Have you ever tried it?

Mr. SMITH. We have attempted to get the coal miners all the time and do get some of them.

Mr. HOLADAY. Do you try to make it a permanent proposition?

Mr. SMITH. We do, but they do not stay.

Mr. HOLADAY. What is the reason you do not get the coal miners?

Mr. SMITH. Because we are not able to pay the wages in the copper mines. They can work in the coal mines for the exceeding high wages which have been paid since the war. I am speaking generally. Now and then you have a mine working for a time on very rich ore body where you might be able to do it, but generally in the copper mine you can not pay it.

The CHAIRMAN. Are any of the English miners still working?

**Mr. SMITH.** You speak of the ones that come to the Lake Superior country?

**The CHAIRMAN.** Yes.

**Mr. SMITH.** I am not aware of the details of that. I understand a good portion of them are still working in the Lake Superior region.

**The CHAIRMAN.** Your name is what?

**Mr. SMITH.** Howard D. Smith.

**The CHAIRMAN.** You are a resident in Washington?

**Mr. SMITH.** No; I divide my time—

**The CHAIRMAN.** Your address is given as 15 Broad Street, New York?

**Mr. SMITH.** Yes, that is the address of our company in New York.

**The CHAIRMAN.** But you are a resident of Nevada?

**Mr. SMITH.** No; I can not say that I am all the time. I am there quite a good deal of time and part of the time in California.

**Mr. FREE.** What is your company?

**Mr. SMITH.** The Consolidated Copper Mines Corporation.

**Mr. HOLADAY.** How many hours labor do you require in your mines?

**Mr. SMITH.** Eight hours.

**Mr. HOLADAY.** You pay \$4.75 for eight hours.

**Mr. SMITH.** That is the present wage, which was recently reduced from \$5.25. Of course, a great many of the men work on bonus or contract and get more.

**Mr. RAKER.** Where are you operating?

**Mr. SMITH.** I am now personally operating in California. I was born in that State and have spent many years in mining in that State in times gone by as an engineer.

**Mr. RAKER.** What part of the State are you familiar with?

**Mr. SMITH.** I am familiar generally with the mining situation in California.

**Mr. RAKER.** What part of the State were you born in?

**Mr. SMITH.** I was born near San Francisco Bay, in the foothills across from San Francisco.

**Mr. RAKER.** Not up in the mining district?

**Mr. SMITH.** Not in the mining district.

**The CHAIRMAN.** You started to tell about selective immigration and wanting some miners.

**Mr. SMITH.** I think there is no need of detaining the committee further. The substance of it is to get these men and have a place for them to go. We do not want men who will not make good citizens. They are of no use to us. And we do not want to do anything detrimental to the country.

**The CHAIRMAN.** Who is to say what is a good citizen?

**Mr. SMITH.** I take it that this will be regulated by Congress and the law administered by the Secretary of Labor.

**The CHAIRMAN.** Do you think certain races of people will not make good citizens?

**Mr. SMITH.** I believe that certain races would not. I would prefer to have Cornish, Northumberland, German, and Scandinavian miners rather than attempt to make miners out of Asiatics, for instance.

**The CHAIRMAN.** Were you in New York during the last two or three days?



Mr. SMITH. Yes, sir.

The CHAIRMAN. Did you see anything in the newspapers of a protest against selective immigration on the part of the people living in New York?

Mr. SMITH. No, sir; I did not.

The CHAIRMAN. Do you know that there was a great mass meeting of citizens and residents of the United States held to submit a protest against the bill before this committee that they thought was discriminatory?

Mr. SMITH. No. It so happened I was very busily engaged.

The CHAIRMAN. If the people now here from the various countries of eastern and southern Europe want to bring their relatives and friends and former neighbors here in proportions equal to those who may come from England or elsewhere, do you think they have the right to do that?

Mr. SMITH. I speak personally now, and I should like to reiterate that to my mind the only test is the good of this country, not the good of individuals who might be in distress in various other countries. I am in favor of our country first.

The CHAIRMAN. There are many foreigners employed as garment makers, button sewers and in the clothing industry generally. Is not that a necessary industry?

Mr. SMITH. I take it that it is.

The CHAIRMAN. Is it not good for this country to have lots of manufacturing furriers and workers in fur garments?

Mr. SMITH. Yes. Of course, I will now be very frank with you and say I am now getting out of my depth. I am only a copper miner. I know we can use these Cornish and Northumberland miners. As to the condition in the clothing industry. I certainly would hesitate to express an opinion on that.

The CHAIRMAN. Can you not see that if you are permitted to select miners, that other people will want fur workers, others wood choppers, others will want farmers, others horse shoers, others plasterers and others brickmasons. Who would come to the final decision as to how many we wanted and how many wives and children they would bring, and where they would live?

Mr. SMITH. I certainly am under that impression by comparing the relative scarcity of all sorts of human beings in Nevada with those in New York City that people are more needed in Nevada.

The CHAIRMAN. There may not be a shortage in Nevada.

Mr. SMITH. We need people more in Nevada than they do in New York.

The CHAIRMAN. It is only a short time ago when people were rushing to Nevada into the gold fields and other places.

Mr. SMITH. That was some time ago.

The CHAIRMAN. What became of those people?

Mr. SMITH. Some may be there yet, but the greater part of them moved on. The gold did not last. Fortunately, copper ore bodies are more lasting than those rich gold mines such as they had at Goldfield.

The CHAIRMAN. Your field is the copper mining industry?

Mr. SMITH. Particularly that.

Mr. RAKER. Is there any place in California where there is a dearth of the miners?

Mr. SMITH. Yes, sir; the Mother Lode, I am credibly advised.

Mr. RAKER. How long is it since you were there?

Mr. SMITH. A few weeks ago.

Mr. RAKER. At what particular place on the Mother Lode is there a scarcity of labor.

Mr. SMITH. Generally along the Mother Lode. Jackson could use some more men in the Kennedy mine, I am advised. I am not speaking now of my own first-hand knowledge.

Mr. RAKER. That is just what I wanted to show.

Mr. SMITH. I believe it to be correct.

Mr. RAKER. Any other place?

Mr. SMITH. I think they are scarce in Sonora.

Mr. RAKER. Where are they going to work in Sonora?

Mr. SMITH. In Tuolumne County.

Mr. RAKER. What mines?

Mr. SMITH. In Sonora there are not many mines left going. That is a minor place. As I say my information does not enable me to go further into detail and I have been advised by men out there whom I believe are correctly informing me that the miners are scarce.

Mr. RAKER. Miners are scarce at the low wage. Is not that it? Are there not miners in all of these places, more than they can use?

Mr. SMITH. The living conditions are very favorable.

Mr. RAKER. At Plymouth there is a crowd coming and going there at the hotels, about three times as many men as they are using. The trouble is that they work a few days, do not get enough wages, and get up and leave. Is not that the condition?

Mr. SMITH. My experience is in Nevada.

Mr. RAKER. I was there a short time ago.

Mr. SMITH. I am speaking of the case of Nevada, of which I have first hand information.

Mr. RAKER. If you apply it to Nevada, I have no objection.

Mr. SMITH. In Nevada we have found that it made very little difference what the wages were. The men left their jobs underground when they were making bonus and contract, \$10 a day, just as fast as they left their \$5 a day jobs. They did not seem to care very much,

Mr. RAKER. When it was \$10 a day that was in war conditions.

Mr. SMITH. No, sir; this summer in Nevada.

Mr. SABATH. That is what some of the men were earning in their mines, \$10 a day.

Mr. SMITH. Yes; in the Consolidated Copper mine. It did not seem to make much difference.

Mr. RAKER. How would you expect to get men from Northumberland and other places in England, when you promised them \$4.50 a day if they came over and found those men leaving at \$10 a day? Would those brought over stay?

Mr. SMITH. One thing is that conditions are recently much better and the men are staying to a greater degree since we reduced the wages. It often works that way. They began to feel that they could not get a job any moment and had better stay by and hold their job, especially during the winter time, as they have very comfortable quarters and exceedingly good boarding house, and so they concluded to stay during the winter.

Mr. HOLADAY. Those men are mostly single men.

Mr. SMITH. Both single and married.

Mr. HOLADAY. What are the labor conditions of the man with a family?

Mr. SMITH. Very good. We have individual houses there for them, bath, and electric lights, and what not. We have no complaint or trouble of that kind. During the summer, perhaps, the most discouraging thing was that these men would leave, in a perfectly good-natured way. We would ask them what was the trouble. There was not any trouble. They had a Ford car or some other car and they guessed they would go somewhere else for a while on a trip.

Mr. SABATH. To Washington and Oregon.

The CHAIRMAN. We are very much obliged to you. We will hear Mr. Taylor next.

#### STATEMENT OF MR. HARRY N. TAYLOR.

Mr. TAYLOR. I live in New York now and have also lived in Chicago. I have been in the mining game for 42 years and the committee asked me to come over here and correct an impression which has gotten out that the coal industry and the metal miners of the country are anxious to import any kind of labor just so it was cheap. I will assure the committee that is not our intention at all, and I think what Mr. Smith meant by selection of immigration is that we only want the kind of men who will work when they come here. In my many years of experience in mining, in ten or twelve different States, I have seen almost every kind of miner that comes, from forty years ago until to-day, and we are getting a class of miners attracted to the mines because the wages are higher than in agriculture or the the mines because the wages are higher than in agriculture or the steel industry or other big centers of employment, and they come there and claim to be miners. They go to their union. They can not work in the mines unless they have a card, and the union will take them in because they are worth \$75 apiece to the union. We have no selection. They come up with the union card. They are 100 per cent union. We take them in and find them absolutely useless. They take up a room in the mine, take them out of the room and no other miner will work there. It adds to the cost of production, and entails a cost of the product to our mines that is passed along to the public on the public detriment.

We would like to see this committee pass a law to do away with indiscriminate immigration and that men who did come here for employment should be men that would go to work that they are suited to do, instead of being forced to take the riffraff making claims wherever there are high wages—that we be able to have the class of men we prefer. I do not think this country should be asked to absorb the riffraff. We ought to get a class of men to do the kind of work we need and not the kind we do not want.

There is not much I can say on the subject except that there are in many parts of Europe men who do not earn anything like wages we pay in this country, who would make good American citizens if they come. Employment is here for them and they could be absorbed in our industry to the benefit of the general public, but the indiscriminate immigration is worthless to us and to the public.

It adds to the cost of the product, due to the inefficiency, to use the kind we do not want. It takes months and months to get a man where he is worth something and then he goes somewhere else.

Mr. RAKER. Would not the same thing apply to men who come over here from other countries?

Mr. TAYLOR. I have seen men come here and work in our mines who have earned good money and saved it and have gone back home and next year will come over again, but they have told of the conditions and these men come and want the same as the man who went and told them. They will come in and ask for the same place in the mine, room 42, for instance, and those are the first words they can speak in English, if foreign born. They come from the north of England and different parts of England back to the places where their friends have made money. They come to work, stay at work, and are good citizens, coming here with the intention to be good citizens.

Mr. RAKER. What became of the one who worked in 42?

Mr. TAYLOR. They go back home and come back again to work at the mines, and when they come home they see their friends. It is perfectly natural that a man should visit his old home and bring back a lot of people with him by telling of his good fortune in America. They are a good class for America and come for the opportunity we give.

Mr. RAKER. Why did the first man come?

Mr. TAYLOR. Because he could not get work at home.

Mr. RAKER. He quit?

Mr. TAYLOR. He just goes back and comes back again. Many of our men go back there two or three years. A lot of our men have their homes, raise families, and the boys go into the mines.

Mr. RAKER. The truth is there are enough men here to do the work if they would do it.

Mr. TAYLOR. If they would really work, that is true in any industry. If everybody would tax himself to his ability, we would not need so much. A lot of men when they get a certain wage only work a certain number of days.

Mr. RAKER. How would you cure that?

Mr. TAYLOR. I do not know.

Mr. RAKER. By importing other men?

Mr. TAYLOR. Our mining has become systematized. We have a contract with men that sets forth the condition of labor and the amount of pay per day or per ton, whatever his particular work is. On that same contract we operated a mine with 300 to 500 men, and some men will earn \$50 while others will earn \$450 a month with the same opportunity to work in that mine. The same thing is true of all you gentlemen. You all have different earning powers, according to the diligence put into the work. With the same opportunities, at the same mine, and the same contract, earnings vary from \$50 to \$450 a month, showing that some men are diligent and some not. That is human nature.

Mr. RAKER. That would be true, whether you brought your miners from Russia or anywhere.

Mr. TAYLOR. Whether they lived here all their lives or came from a foreign country. The only point I will make is this: In the min-

ing industry we do not believe in indiscriminate immigration and just bringing the riffraff and letting them try to force their way into certain industries. There should be some regulation by which the kind of men coming over should be more or less selected through our consular agents. Some method should be devised so that we would know the kind of men that came over here and that they are suited to the kind of work they are seeking to do in this country, not just coming over to flood our industries and hurt our business.

Mr. RAKER. Is there not some way that can be devised to bring about adjustment of people who are here and of whom we have enough to do that work rather than bring more in?

Mr. TAYLOR. There seems to be a tendency on the part of all of us to do less work. The man who used to be willing to get up at 6 o'clock in the morning at his shop is trying to get his hours shortened and get his side issues—time for his automobile and golf game. Even in the mining country they have golf links; and I am not against a man having leisure for that, but I think there is a tendency to do less work, trying to get more money for less work all the time. That is the tendency. I think that is the matter with our friends from Maine. Farming is hard work. They have to get up in the morning and work if they want to make a farm go. They saw their fathers doing that and see a chance to do something easier.

Mr. RAKER. Then it resolves itself into——

Mr. TAYLOR (interposing). Human nature.

Mr. RAKER. Yes; and by bringing the aliens in for these various occupations they work for a year or so and have not grasped the American idea of less work a day, but do more work.

Mr. TAYLOR. For a while.

Mr. RAKER. Then they will quit and you want more.

Mr. TAYLOR. That is really what happens. I do not know how you will cure it. The only point I make is that you do not have an indiscriminate immigration law. Have it restricted, if possible, if you can get such a law, so that the men you let come in are men willing to take the jobs they are fitted for, or select men that would take them rather than have a flood handed to us of no use when we get them.

Mr. FREE. What proportion of the sons of these men that come in follow the industry that their fathers followed? Of course, you can not state it exactly.

Mr. TAYLOR. I would say probably 80 per cent in mining. That is easily explained. Mining communities are generally segregated away from the cities. The only industry that pays wages is that particular industry, and the town grows up around the mining operations, and, naturally, the boy turns to mining. He has to turn to that or go to some other town, and the mining industry pays and has paid for the last 25 years better wages than labor in surrounding parts of the country, either farms or the railroads, so that, naturally, a larger percentage of miners' boys go into the mines than do the sons of trackmen, and so forth.

Mr. RAKER. What are you going to do with these American boys growing up here?

Mr. TAYLOR. I have got an American boy growing up and I have the problem on my hands. He has graduated from college and we have talked it over. I have told him to stay out of the mining game, although I have given my life to it, because it is getting into a unionized condition, and whatever may be a man's ability to manage a mine, he is flooded by the union situation to such an extent that he can not carry out his ideas. I do not believe a boy ought to start in it.

Mr. RAKER. If the union situation is such that you are affected by it, everybody that comes in will join the union.

Mr. TAYLOR. They all do, and they say that these operators bring these herds in and put them in the mines. That is not true. I testified before the Senate committee a year or two ago, and it surprised them to learn that often we never saw a man until he comes in with his union card, and if we did see him first and put him in the mine everybody else would walk out. If he can not put his union card down on the desk he can not work. If he does not obey the union, they take up his card, and if he wants to go away he has to transfer the card to some other place or he can not work in some other mine. The power of life and death is practically absolutely in the union. You have no idea of the tyranny of the union in the coal mines in this country.

Mr. RAKER. I can not quite grasp how you can relieve the situation, as you claim it exists, by bringing in more.

Mr. TAYLOR. Because we have to take the man they give us. If the man we bring in is a man who has worked in the mines in England, Scotland, or Wales, and is a practical worker, or from Austria, or wherever he comes from, he will come in and take his place in the mines and carry his load in the mines. In other words, he produces in his work that amount he should produce, whereas the banjo or guitar player of Italy can not pick coal out like picking a guitar and takes up room in the mine, and does not produce the coal. If we can bring here the kind of men that can produce coal, then they are of some use to us while the other kind is not.

The CHAIRMAN. Do you think it is the desire of the owners of these mining properties to have an adjustable sort of law by which we can bring enough miners from foreign countries to make it so that the unions will not control the situation?

Mr. TAYLOR. No; I do not.

The CHAIRMAN. You are sure of it?

Mr. TAYLOR. Absolutely sure.

The CHAIRMAN. As a business man, do you not know that if anything of that kind was done, even though the number brought in was a small percentage, that we would have increased trouble between labor and capital?

Mr. TAYLOR. No; for this reason. We never want more men than we can keep employed because men are not good workers unless they are happy in their work, and they are not happy unless they are employed. We want enough men to produce coal and metal necessary to this country and let them earn the most money they can. Let each man produce his share and not have to be a load. We do not want any surplus men because surplus men are a load on the industry. You have to make a job for them or you have them on

your hands and they cost you money, and raise the cost of your product. When there is not enough business for the men we have, I would like not to bring in any of any kind, but when we do need men, instead of being loaded up with men who are not efficient and not producers, we would like to see a selection through some wise law.

The CHAIRMAN. Does not this same situation you describe in certain lines of mining also exist in various trades, such as the printing trade, the steel industry, and so forth? They are all complaining that the cost of the turn over or man power is excessive.

Mr. TAYLOR. Yes. I am not an accountant. I have given my life to mines. That is all I know. Of course, I read of the conditions in these other industries, but it is not first hand.

The CHAIRMAN. The same complaint was made by other gentlemen.

Mr. TAYLOR. I heard these different complaints.

The CHAIRMAN. The complaint made by the mining man just ahead of you in the Nevada situation was made in almost identical words by the best people, about wages being high, in the industry, and yet they go to the cities.

Mr. TAYLOR. I can sympathize with him. I have mines in Wyoming and all over the country, and in that part of the country out there. It is an agricultural country, and, naturally, the demand for coal is only because people want to burn it for warmth, because there is no great manufacturing business in Montana or Wyoming as there is in the East. In this part of the country there is a consumption of coal the year round because of manufacturing. These men out there have all the work they want from the first of September until the first of April in the coal mines, and then from the first of April until the fall there is very little used except what the railroads use. There is no other demand for coal. The real industrious man wants work to make a yearly wage. The men who work in the metal mines, when the fall comes on and the work opens up again, go back to work in the coal mines. A certain amount of these men drift back and forth between the metal and the coal mines, and only a certain class of the men who are industrious are making all the money they can in the twelve months of the year. On the other hand, other men with slack time fish and loaf, having enough money to get along. Their expenses are light and they take their compensation that way rather than pile up a little more money. That gets back to human nature. Some men want money. Some want enough to get along with. It is in the nature of the man and a law is not going to cure that.

Mr. SABATH. Can you not secure enough labor in this country?

Mr. TAYLOR. We can not in certain industries, while there is an oversupply in other industries.

Mr. SABATH. In what industries is there an oversupply?

Mr. TAYLOR. In the coal mines of this country there is an oversupply.

Mr. SABATH. The metal miners would not secure them from the coal mines?

Mr. TAYLOR. You think that is so. Take Pittsburg, Kans. Only 7 miles distant is Joplin, with zinc mines, and Pittsburg, Kans., has coal mines. I do not suppose there is a turnover of 25 men between the coal and metal mines. Those men are used to working

in coal mines one way and in metal another way. There are some men used to working both ways, who will go back and forth, but only a few. They take a trolley line from Joplin and get there in half an hour. It gets back to the human equation all the time. I do not know how you will cure it. The only point we make is that we do not want to load this country up with undesirable men who do not want work but are looking for a snap, and if there is any way to restrict immigration so that we can get the kind of men that would become permanent miners and make citizens of the country, let us do it.

**Mr. SABATH.** Can you suggest to the committee how we could secure American-born boys to go to the coal and copper mines to do such work?

**Mr. TAYLOR.** There are lots of American-born boys in the mines. As I said, a larger percentage go into the mines than in other industries, because they are more or less localized around the mines, and it is the only industry that pays them a wage, otherwise it would not pay them to live there. At the steel mills, 50 miles off, they would not get as much as in the mines. You gentlemen who are not accustomed to mines may think right away that working underground in the dark would be a detriment. That is the one thing I have never heard a miner complain of. They complain of everything else. They get used to working in the mines because the temperature is 62 the year around, in summer or in winter, which is just a nice working temperature. Men that become accustomed to that work do not want outside work because they do not want to work on farms in the sun and heat.

**Mr. Box.** We read some horrible stories about their being imprisoned in mines and killed there. The percentage is small. Do not you men ever consider that?

**Mr. TAYLOR.** I have been imprisoned in mines. Yet men are killed in the streets.

**Mr. Box.** That element does not enter into it with the miners?

**Mr. TAYLOR.** It does not, because men in the mines have worked there 50 to 60 years. There are men killed in the mines. I have been caught and got out.

**Mr. RAKER.** There are more men killed by automobile accidents, 10 to 1.

**Mr. TAYLOR.** I have heard it said that more men are killed on the streets by automobiles, railroad trains, etc. It is an incident to the business. That is all.

#### **STATEMENT OF MR. SIDNEY J. JENNINGS, OF NEW YORK CITY AND BOSTON.**

**The CHAIRMAN.** Your office is where?

**Mr. JENNINGS.** No. 120 Broadway, New York, and 55 Congress Street, Boston.

**The CHAIRMAN.** Can you add anything to the situation?

**Mr. JENNINGS.** I would like to say that I am heartily in favor of the expression of opinion of Mr. Smith and Mr. Taylor on the subject of restriction of immigration, that we do not want a flood of immigrants here, and that we desire to get those men here who



will know their business of mining. I have given some study to the suggestions that have been made to bring that about, and the suggestion to have a certificate which should be applied for by an immigrant who would be selected or who would be induced to apply by an agent of the miners, seems to be a method which could be worked out to advantage. If that certificate were granted under certain rules and regulations which could be determined by this committee, you could, it seems to me, achieve the purpose which we have in mind. That applicant could also be examined medically by the steamship line officers so that they would be responsible for the medical fitness to enter this country and you could, therefore, legitimately call upon them to stand the cost of his deportation if it did not pan out when he arrived in this country. Those are the two main things that I would like to see.

There is one other point. There have been a great many questions asked about the American boy in the mines. I have before me every month a list of nationalities we employ in our mines. It shows 55 per cent American and 45 per cent divided among 27 other nationalities.

The CHAIRMAN. By American you mean naturalized Americans?

Mr. JENNINGS. Who claim to be American citizens.

The CHAIRMAN. Naturalized or born here?

Mr. JENNINGS. Naturalized or native born.

The CHAIRMAN. Have you any account of native born alone?

Mr. JENNINGS. No, sir.

Mr. Box. But 45 per cent were nonnaturalized foreign born.

Mr. JENNINGS. Yes.

Mr. Box. And 55 per cent were native born and naturalized?

Mr. JENNINGS. Yes.

The CHAIRMAN. Where are your mines principally?

Mr. JENNINGS. In Utah, California, and New Mexico. Those are the three main ones.

Mr. WATKINS. Would you hazard an approximation of the number of that 55 per cent which is foreign born and naturalized?

Mr. JENNINGS. I would not hazard a guess at all.

Mr. WATKINS. If you could give an order for a few selective miners this current year for your mines, how many do you think you would need?

Mr. JENNINGS. We need at the present moment in one mine 250 and in another 180. That is 430.

Mr. Box. Where are the greatest needs?

Mr. JENNINGS. In Bingham camp, Utah, 250, and in Shasta County, Calif., 180.

Mr. FREE. What is the nature of your mines?

Mr. JENNINGS. The mines where we need miners are silver and lead in Utah and copper in Shasta County, Calif.

The CHAIRMAN. Do you think you will need those next winter?

Mr. JENNINGS. Right along.

The CHAIRMAN. Indefinitely?

Mr. JENNINGS. Yes.

The CHAIRMAN. You are prepared to take care of them with their families?

Mr. JENNINGS. A certain number of families, yes, and a certain number of single men.

Mr. FREE. Can you give us any estimate of the number of men needed for the entire mining industry of the United States?

Mr. JENNINGS. No, I have no figures in mind that I can give you. That you could easily get from the Bureau of Mines, I should say, or the Department of Labor.

Mr. RAKER. Your mine in Shasta needs 180 men.

Mr. JENNINGS. The Mammoth Copper Mine.

Mr. SABATH. If you improve the conditions under which you employ people and increase the wages, would you not secure enough Americans to work?

Mr. JENNINGS. I do not think so. We have coal mines in Utah which, I should say, are as well equipped with houses and amusement places, moving pictures, garages for the automobiles, roads, and schoolhouses, as may be found anywhere in any agricultural community, and we are getting similar conditions in our metal mines. It is not a question of improving the conditions.

The CHAIRMAN. Were you a party to the organized movement in 1921 that sent letters and circulars all over the United States to the effect that 5,000,000 men were needed then and now to do the work of the country?

Mr. JENNINGS. No.

The CHAIRMAN. Did you hear of that movement?

Mr. JENNINGS. No, I did not hear of it.

Mr. SABATH. You have the interest of our country at heart.

Mr. JENNINGS. Certainly.

Mr. SABATH. Why did you employ so many foreigners, 45 per cent?

Mr. JENNINGS. Because they are the men who are available. You could not get other men. The wages in the coal mines, as Mr. Taylor has told you, are extremely high. The lowest paid man that enters our coal mine gets \$7.50 a day for eight hours or less work. The miner in metal mines gets \$4.75 a day. He is a skilled man and the unskilled man gets \$4 or \$4.25 for eight hours work.

Mr. RAKER. What are you paying at Mammoth Mine in Shasta.

Mr. JENNINGS. I think \$4.75.

Mr. RAKER. The man furnishes his own board.

Mr. JENNINGS. He pays for his own board out of that.

Mr. RAKER. And furnishes his own bedding?

Mr. JENNINGS. His own bedding but not his bed.

Mr. RAKER. You furnish a bed for him?

Mr. JENNINGS. A wire mattress.

Mr. RAKER. Under the law you have to have for each one a separate bed with no bunks one over the other.

Mr. JENNINGS. No bunks one over the other.

Mr. RAKER. Do you know what the going wage for other occupations is in and about your mines?

Mr. JENNINGS. I should say a laborer there gets about \$4.

Mr. RAKER. In the fruit field and harvest field it runs up as high as \$6 and \$6.50 and some carpenters \$7 and \$8.

Mr. JENNINGS. I do not think a carpenter gets \$8. The going wage for carpenters in our mines, to my recollection, is \$6.50.

Mr. RAKER. Why do you not employ a lot of these people there in Reading, who are all the time unemployed?

Mr. JENNINGS. We just had in the Mammoth Mines two weeks ago a body of 120 men come out and refuse to take their lunch buckets, paying a deposit of 25 cents for each lunch bucket. We find that the men simply destroy the lunch buckets when we supply them free. So we set 25 cents down as the cost of the buckets and when a man returned the lunch bucket the 25 cents was to be returned to him. On that account 80 men quit work.

Mr. RAKER. Being quite familiar with that country, the mine, the Reading section, and the surrounding cities, how are you going to get men to do that work, if you can not arrange it with those that come there. There is a surplus of idle men. They are coming and going all the time.

Mr. JENNINGS. One hundred per cent a month will be the turnover.

Mr. RAKER. What I am getting at is: How can you remedy that by bringing in more men? I am interested in it as you are. I would like to see these men stay with the jobs and work.

Mr. JENNINGS. I think the pressure or the knowledge that they can not get a job easily unless they work hard is the salvation. The American Nation as a group is not limited to a population of 105,000,000, but we have the possibility of several hundred million in the United States by intensive cultivation of our soil and our ability, and, therefore, I can say that we have great room for expansion, and what I ask is that that expansion should take place by men able and willing to work and capable of pulling their oar in the boat.

Mr. RAKER. What are you going to do with the stream of men that move up and down that railroad from San Francisco to Sacramento, from Reading on into Dunsmuir? What are you going to do with them?

Mr. JENNINGS. I do not know. I have no definite plan except the force of economic pressure. If they quit their job they are not going to find it so easy to get another job.

Mr. RAKER. I was just wondering how you would remedy it by bringing in more.

Mr. JENNINGS. That is my idea of it. If you have more there is a greater pressure for each job.

Mr. RAKER. That will leave those fellows so desperate that we will not be able to even travel the roads.

Mr. JENNINGS. I do not think so. I have mined in California since 1885, and when I started they paid \$2. I myself started in at \$2.

Mr. RAKER. Where?

Mr. JENNINGS. At the New Almaden quicksilver mine. I think better work was done at \$2 to \$2.50 a day than is done at the present time at \$4.75.

Mr. DICKSTEIN. That applies to every industry. You could get a better suit for \$15 than you could get now for \$30.

Mr. Box. You spoke about 80 men who struck about lunch buckets. What class of men were they?

Mr. JENNINGS. What nationality?

Mr. Box. Yes; who they were racially, and anything else you know about them.

Mr. JENNINGS. I have not the figures. They were mostly foreigners. They were described to us in the reports. I have not been out there, but simply got the report that there were three men from the I. W. W. who got those men away and persuaded them that all they had to do was to make a demand and get anything they wanted.

Mr. Box. Do you believe that incident was fairly representative of your employees, or an extremely isolated and exceptional incident?

Mr. JENNINGS. An extremely isolated and exceptional incident.

The CHAIRMAN. We are very much obliged to you.

**STATEMENT OF MR. HERBERT WILSON SMITH, SECRETARY  
AMERICAN MINING CONGRESS, WASHINGTON, D. C.**

Mr. SMITH. Mr. Chairman, I appear on behalf of the American Mining Congress, the national organization of mine owners and operators. I wish to briefly summarize the position of this great employing industry on the question of immigration, an industry which has furnished work for many immigrants heretofore. The mining industry, through the American Mining Congress, is deeply interested in this question, to which it has given many years of serious study. We have a committee on immigration. The chairman of that committee and several of its members are present and have given you their views in detail on this subject, to which they have given so much thought.

First, I want to emphasize what these gentlemen have said with reference to the attitude of the mining industry generally. The mining industry is misunderstood in its attitude in the public mind, and in the minds, unfortunately, of some of its representatives in Washington.

The CHAIRMAN. I do not believe you are misunderstood. The point is that the mining operators want laborers to come in to a number they have not given, and the steel manufacturers want the numbers they think they need. The railroad people want what they think they need, and so on throughout the entire line of industries. You can not harmonize that thing and at the same time come here and say you do not want anyone to come who might be a detriment to the future of the country.

Mr. SMITH. To that extent the mining industry is misunderstood, Mr. Chairman, to the entire extent of your statement. It is thought by many people and even by Members of Congress that the mining industry is desirous of not restricting immigration, that it wants a large supply of so-called cheap labor. That is emphatically not the case. The mining industry favors restricted immigration and it favors selective immigration. In common with other industries it takes the stand that the welfare of our country is the first consideration. Permit me to read a resolution which was passed at the last meeting of our organization in Milwaukee in September, 1923, on which our immigration work is based:

*Resolved*, That we hereby place this organization on record as in favor of selective immigration, operative prior to embarkation or such other procedure, if a better be proposed, as will tend to increase the proportion of workers among aliens admitted to the United States, to the end that mining and other

industries may have a better labor supply than is now available or will probably be available unless specific efforts be made to increase the supply of workers from abroad.

Now, it is merely a question of the supply of workers among those admitted, there is no suggestion of increased quotas, no suggestion of increased immigration, and no suggestion of letting down the bars in any way.

The CHAIRMAN. We would not have any trouble in this committee at all in preparing legislation if it were not for the fact that those already here from various countries insist that they must have their relatives and close friends here, and the moment any law is proposed that does not give any particular group the right to have their relatives and friends come there is a cry of discrimination against certain people, and that starts the trouble. Now then, we have a condition, not a theory. No matter what industry wants in the way of labor we can not produce anything that would deny the rights of certain relatives and friends of those already here without raising this cry of discrimination.

Mr. SMITH. I am in real sympathy with the problem before you. I have within the last month attended several immigration conferences, the one in New York early in December and the meetings of your committee in the past, and I have been amazed at the insistence of the right to enter the United States on the part of aliens of all kinds, as though it were a right inherent in them and that any restriction of immigration upon our part was a denial of that inherent right.

I think we have—all of us—pretty well discarded the idea so popular a number of years ago of the "melting pot" for the production of American citizenship. Carefully choosing the stocks from which our Nation is to be made up in the future is not an affront to any nation or to any racial type, but rather a necessary, scientific research to determine those characteristics which best make up a homogeneous people. Dr. Henry Fairfield Osborn, president of the American Museum of Natural History, similarly stated in a recent address that this was the whole problem and said further:

In cold-blooded scientific language, our best stock is threatened with extinction. Our first duty is to our own country and our own civilization. No element should be allowed to become preponderant here which, conglomerating in any one region, might threaten our national character.

It is but another phase of the effort to have the United States shoulder the troubles of the world. What other nation in any period of history can you imagine submitting to a peaceful invasion of millions of aliens annually until there were in that country 14,000,000 foreign born, as shown in the United States to-day? An American sociologist is quoted in *World's Work* as follows:

If you should ask an Englishman whether the tone of political life in his country would remain unaffected by the admission to the electorate of a couple of million Cypriotes, Vlachs, and Bessarabians after five years' residence, he would take you for a madman. Suggest to the German that the plane of political intelligence in reading and thinking Germany would not be lowered by the access to the ballot box of multitudes of Serbs, Georgians, and Druses of Lebanon, and he will consign you to bedlam. Assure the son of Norway that the vote of the Persian or Yemenite of 60 months' residence in Norway will be as often wise and right as his own, and he will be insulted. It is only we Americans who assume that the voting of the Middle Atlantic States, with their

million naturalized citizens, or of the east North Central States, with their million, is as sane, discriminating, and forward-looking as it would be without them.

In the American Mining Congress we have a division for industrial cooperation whose purpose it is to bring about a more complete understanding between employers and employees and to work out means for the provision of a common meeting ground on which differences of opinion between them may be amicably settled. We realize that the harmony of interest which we thus seek to achieve can best be reached between employers and employees who have back of them as nearly similar backgrounds of civilization as is possible; that the greater disparity in backgrounds, the greater will be the disparity in thought.

You may call this what you will: racial traits, national psychology, influences of heredity, and environment. It all comes back to the one question: How do the minds of these people work? What are the incentives which move them in their daily activities. To what goals do they aspire?

We have in the United States certain fundamental principles of self-government for which it may be said in all modesty that they have at least worked better than any principles for self-government ever evolved by any other nation.

The question of determination of desirable additions to our citizenry, therefore, resolves itself to the simple question of whether those seeking admission to this country have modes of thought which will harmonize with our fundamental institutions.

We have in the United States a problem of immigration. Almost every other country of the world has a problem of emigration and in their problem of emigration they will naturally seek to retain the most desirable of their citizens themselves and rid themselves of the others. Emigration in many countries was originally a problem of deportation of undesirables.

Thirty, forty, fifty, and one hundred years ago the immigrant came to the United States with the knowledge that he would have to work out his destiny and with a desire to work it out. To-day too many of our immigrants come here with the idea that they will be able to scheme out their destiny and then proceed to do it. We, therefore, get in our present immigration far too large a percentage who stay in the already too congested centers of population, who inject themselves into an already overcrowded economic system as distributors, not producers; as small merchants, not laborers; as disturbers who rail against the very conditions which they help to create. We get too many bootblacks and bell boys and bootleggers and not enough deep-chested men who are acquainted with the business end of a pick and shovel.

Under that portion of the resolution adopted by the American Mining Congress, which says, "in favor of selective immigration operative prior to embarkation," I wish to commend to the especial attention of the committee, the recommendation recently made in New York by Dr. Spencer L. Dawes, medical examiner of the New York State hospitalization, the State Hospital Commission of New York. If his recommendation is not already before the committee, I will present it.

The CHAIRMAN. He has been here personally. If you have it written there, you may put it in the record.

(The statement referred to is as follows:)

Permit me, to outline to you a method advocated by me for many years and warmly approved of by the many investigators, Federal officials and Members of Congress. It is that there shall be provided as a prerequisite to the granting of a visé to the emigrant that he shall present a medical certificate on a blank provided by the Commissioner General of Immigration embodying family and personal history of the emigrant and certifying that the emigrant is not of the excluded classes. This medical certificate to be made out by a physician in the employ of the transportation company which would bring him to the United States, providing a fine based on the cost of transportation not less than three times such cost and leaving in the law all the provisions of sections 9 and 19 referred to above. This would not, of course, even though a visé were granted, necessarily permit the emigrant to enter the United States. It would merely serve to lighten the labors of the immigration inspectors at the ports of entry and, in the hands of an honest steamship company, be a material saving to them in cost of fines and return passages of deportees and would place the responsibility directly where it belongs, namely, upon the transportation company, making it possible to severely penalize the steamship companies who attempted to evade the law and would not in any way interfere with deportation proceedings as carried out at present.

I wish to present also for the consideration of the committee the suggestion of Hugh Frayne, New York representative of the American Federation of Labor, with regard to amendments to the contract labor law, on which Mr. Frayne, as an attorney for the American Federation of Labor, makes a very interesting observation. That is a point on which it has probably been thought that the employing interests and the labor interests were entirely divided. As a matter of fact, they are very closely in accord on that very vital issue.

Mr. SABATH. Will you read that, please?

Mr. SMITH. Mr. Frayne said:

If there is any change in our policy it should be in the contract labor law and against the exploiting of those in foreign lands by subterfuge. If we continue to fill this country with insane and criminals who are seeping through to-day there will come a time when there will be nobody left to uphold our Constitution. Labor is for entrance of suitable immigrants from all nations except the Asiatic ones.

Then he goes on as follows:

I am just going to say a word, and this is my own idea—no one need accept it if he does not want to—I have fixed ideas of an immigration law. Some day it may be considered. I said during the war in my report, in closing the work as a member of the War Industries Board, that the immigration law should carry with it that in every country where we have international relations, where we have consuls established, that in that staff of officials representing our country, should be a business man, a manufacturer, if possible, a farmer, and a representative of labor, and a representative of the Department of Labor.

If the farmers, say, in Minnesota, wanted 100 farm laborers, they would make that request through the farmers' organization direct through the Government at Washington, through the Department of Agriculture. It would be checked up immediately by that department, and if it was found that they actually did want 100 men, farm laborers (it would apply to another kind, but I am using that as an illustration) to work on the farms in the State of Minnesota, this message would be passed on from the Department of Agriculture to the Department of Labor and on to the consul in England. The representative of the Department of Labor, directly under the department as an immigration official, but doubly strengthened in his position because of being attached to the consul's department, would take the subject up with the representatives of the Govern-

ment of England and would say, "Here we want these 100 men. Get your men, the right type, men who actually know how to work on farms and know that they are going into the State of Minnesota when they arrive."

Then men are gathered up, 5 for one city, 10 for another, or one section of the State, until they are all absorbed, sent on, passed through the proper governmental channels with their passports, and when they come here go directly out to these jobs to take up their work and give service.

I challenge those who have been clamoring so much to contradict or offer a solution to meet that requirement that has a sounder basis. It is my thought, based upon experience in dealing with this problem for at least a quarter of a century.

Instead of there being a penalty on provision for employment, as exists at present with the contract labor law, it should be so modified that desirable employment may be provided for desirable entrants. In our present law we insist, on the one hand, that the immigrant shall give ample evidence that he will not become a public charge; and, on the other hand, we penalize him and his prospective employer if any suggestion of prior arrangements for employment have been made before he enters. Just the opposite condition prevails in the Canadian immigration law.

With regard to fixing the quota by 1890, as your bill provides, Mr. Chairman, we feel that any move in that direction is a wise one—whether 1890 or earlier—anything that will change the type of immigrant we have been receiving since the distressed condition of Europe following the war. From the information that is brought to us it is apparent that we are getting too many of the class of people who inject themselves into an already overcrowded economic system and do things which are possibly profitable but somewhat unnecessary, who engage in distributing occupations or nonproducing occupations, instead of the class of people who came here 30 to 50 years ago with the idea of working out their destinies.

In order that we might have the fullest possible expression of opinion copies of our resolutions and copies of our own symposium on immigration were sent out to leaders in the mining industry. I should like to quote for the record, if I may, a few of the significant replies we have received, or, if it is the pleasure of the committee, I will file the balance of my statement.

ADDITIONAL INFORMATION SUBMITTED BY MR. HERBERT WILSON SMITH.

The following are excerpts from some of the statements made by leaders in the mining industry concerning the immigration situation to the Washington office of the national organization of the mining industry, the American Mining Congress:

As a matter of American self-protection, undesirables of all nations should be excluded. I am of the opinion that the selection of those who may be admitted should be made at point of embarkation. As to the quota, I would not dare to express an opinion, as I do not know the requirements of business generally in this country.

M. L. GOULD,  
*Linton Coal Co., Indianapolis, Ind.*

I am heartily in favor of a change in our present immigration laws. Because we now have a large number of undesirable citizens in this country is no reason why that number should be augmented by a certain percentage annually. The Canadian system of selecting immigrants at the point of embarkation has been tried out long enough to show that it is perfectly feasible and operates without the slightest friction.

D. W. BRUNTON,  
*Consulting Mining Engineer, Denver, Colo.*



I wish to say that I am heartily in accord with the policy outlined in the resolution above mentioned (Resolution No. 3, introduced by the western division of the American Mining Congress).

W. D. BRENNAN,  
*Manager Phelps Dodge Corporation, Dawson, N. Mex.*

I am a firm believer in selective immigration, but not restricted immigration, with the quotas figured on their present bases. Naturally immigration should be selected, if possible, prior to embarkation, but unfortunately foreign nations take exception to this measure, and still it seems as though some method could be worked out which would be agreeable to both nations and relieve the alien not admissible of expense and time uselessly.

No doubt this selectivity would need proper machinery to function, which would be well worth while, provided we would not have boards, such as mentioned in paragraph 6 under "Recommendations from the Department of Labor."

We also are heartily in accord with recommendation 8, especially as to physical and moral examinations of the proposed immigrant. We believe that the wife and minor children of an alien should not be counted in the quota and should be admissible provided they are physically fit to be admissible themselves.

We agree with sections E, F, and G in the same recommendations, but in section 5 believe that a system of registration would simply accumulate records which would be useless in future years, as during the war we had many such records to keep which have since been dropped because no arm of the Government made use of the statistics compiled.

We do not believe it necessary that an alien should be able to speak and write English, but believe he should be schooled sufficiently in his own language to pass similar tests.

R. S. BLITZ,  
*Philipsburg Mining Co., Philipsburg, Mont.*

Referring to Resolution No. 3, introduced by the Western Division of the American Mining Congress at the twenty-sixth annual convention. I have read this resolution carefully and indorse it in every detail, particularly the feature of being "in favor of selective immigration operative prior to embarkation." I would go even further with this and make it imperative that all immigrants intending to make their home in this country should be compelled to take out their first papers not later than six months after their arrival, and at that time or on their arrival they should be able to read the Declaration of Independence.

In the speech delivered at this last annual convention by the Hon. Edward J. Henning, Assistant Secretary of Labor, taking for his subject, "Immigration potent factor in national destiny," he states that there is "a national destiny involved in the matter of immigration." I consider that this is a basic statement supported by every kind of evidence, particularly as he shows that in the examination of 400,000 men seeking a home in this country that only 46 per cent of them "showed a mental development of 11 years or less," further, that in the inspection by an employer of labor of the arrivals at Ellis Island there was "not to exceed 5 men whom he could possibly use out of over 100 aliens who entered."

These and many other features of this problem certainly make it almost impossible to expect industrial cooperation with this kind of labor. We all know that American labor is patriotic, but, unfortunately, what may be termed American labor is very much in the minority. My attention has been called recently to one nationality that is practically absorbing the confectionery industry of these United States, yet there is not one of them in a hundred that takes our naturalization papers and becomes a citizen. There should be a law compelling them to do this. I certainly am in favor of the policy outlined in Resolution No. 3, and I fully indorse Mr. Henning's paper and consider it a matter of congratulation that the American Mining Congress avoids "pussy footing" and is prepared to meet this and all other issues that tend to the uplift of not only the mining industry but all other industrials.

R. S. BILLINGS,  
*Mining and Metallurgical Engineer, Kingman, Ariz.*

I agree thoroughly with the contents of the resolution, particularly the point which stresses the examination of aliens before embarking for this country. Mr. Henning, however, in his address seems to think that this is impossible to do, due to the objection from foreign countries. If this point could be overcome, it appears to me that it would be of great assistance to our immigration authorities, as well as to the industries in this country which need good and satisfactory labor.

H. W. ALDRICH,  
*Assistant General Superintendent  
Inspiration Consolidated Copper Co., Inspiration, Ariz.*

Judging from Secretary Davis's addresses which he has delivered from time to time, I feel sure that he has given this matter much thought and has worked out a plan that he at least thinks feasible, and it is hoped that he will have the hearty cooperation of Congress. Personally, I am very strongly in favor of a selective restricted immigration. By that I mean immigrants that will be selected because of their qualifications to become American citizens, and restricted as to the number required to carry on the various industries in which they might be employed or lands which they might cultivate.

I agree with the article in question when it states that we should make the paramount issue immigrants that will make for good citizenship rather than to admit them because of economic conditions. It is too bad that we have such a number of men in this country that do not and will not give an honest day's labor for an honest day's pay. If it were possible to compel these men to work there would not be the required need among some industries at least for increasing the number of immigrants to this country. We trust that Congress will take some decisive action in the matter, and believe that the agency of the American Mining Congress will play an important part in bringing this about.

L. A. REED,  
*Midwest Refining Co., Casper, Wyo.*

I preach, work, and vote for carefully restricted immigration. I believe it should be selective at the port of embarkation and subject to review at port of entrance.

BRUCE P. TYLER,  
*Clinchfield Coal Corporation, Bristol, Va.*

I am in favor of a program of selective immigration along the lines provided for in Resolution No. 3, introduced by the western division of the American Mining Congress at the Milwaukee convention.

I believe that our immigrants should be selected from naturalizable races. Every immigrant should be considered a potential citizen, and therefore our immigration policy should be framed with the object of obtaining the greatest number possible of additional good citizens.

The address made by Mr. Henning merits thoughtful consideration. As he states, mining men consider carefully the quantity as well as the quality of the ingredients which they put into the melting pot, for they well know the effect upon the ultimate product. The same principle is involved in the matter of immigration and its relationship to our national civilization.

I also advocate a sifting process at the point of embarkation, and that some provision be made for crediting "departures."

I shall watch with interest any action Congress shall take upon this question, and I am sure that the broad program outlined by the American Mining Congress will carry considerable weight and have its proper influence in obtaining legislation of benefit not only to the mining industry but to the entire Nation as well.

ROBT. B. WHITESIDE,  
*Duluth, Minn.*

I have examined the resolution introduced by the western division of the American Mining Congress at the twenty-sixth annual convention and note that it definitely favors a program of selective immigration. I believe this is a very good move on the part of the American Mining Congress—believe it wise and fine.

F. M. SMITH,

*President West End Consolidated Mining Co., Oakland, Calif.*

Please note that I have again read this resolution carefully and am in hearty sympathy with it. I trust that the influence of the mining congress, added to that of all others in favor of selective immigration, may result in improving the class of immigrants we receive.

WARREN R. ROBERTS,

*Roberts & Schaefer Co., Chicago, Ill.*

Replying to your letter of October 17 regarding Resolution No. 3, introduced by the western division of the American Mining Congress, beg to advise that I am heartily in accord with the text of this resolution. I am very strong for selective immigration and, were it possible, would like to see inspection made before the proposed immigrant left his native country, but from Mr. Henning's address I find that this is impossible.

In regard to Mr. Henning's address, I thoroughly enjoyed reading it and coincide with his views. I was especially interested in what he has to say regarding the parties to industry in which he states that instead of there being two parties—capital and labor—there are four—capital, management, wage earner, and the public. Not the least of these by any means is the management; having had experience along that line, we realize the importance of good management in connection with an industry.

L. A. REED,

*Midwest Refining Co., Casper, Wyo.*

Mr. Compton has seen your letter to him of December 8 with reference to immigration legislation. He has asked me to send you copy of the resolution on this subject adopted by our directors last July. This is as follows:

"The board of directors of the National Lumber Manufacturers' Association believes that there should be—

"(1) Such adaptation of the Nation's traditional immigration policy as will tend to make secure the preservation of our free representative form of government;

"(2) Such restrictions as will permit the admission of those persons only who are eligible to and capable of acquiring American citizenship; and

"(3) Such legislative and administrative provisions as will within the limits thus established permit such immigration as may be necessary from time to time to meet promptly and adequately the ascertained economic, industrial, and social requirements of the Nation."

GRACE J. LANDON,

*Assistant to Secretary-Manager,*

*National Lumber Manufacturers' Association,*

*Washington, D. C.*

While the property which is operated by our Mexican company in Mexico is not much affected by this resolution, we believe that we have too large a percentage of full-grown men in this country with only 12-year-old minds. We believe that too small a percentage of the present type of immigrant ever reach the mining industry in this country where they are really needed. What few do reach the mining industry are not of a desirable type.

We have made a comparison of properties, similar to the Tiger mine, in the United States and in other countries where the lowest type of labor prevails, and the costs per ton are practically the same (Tiger labor costs midway between the other two). This is an indication that labor is usually worth about what it is paid. We need in this country people who will gradually work up to our standard of living rather than remain at the same level to which they have been accustomed.

O. E. McMULLEN,

*Secretary Lucky Tiger-Combination Gold Mining Co.,*

*Kansas City, Mo.*

I heartily agree with the resolution passed by the western division of the American Mining Congress as to selective immigration. While we need more immigrants they certainly need sorting at present. Just how this can be best accomplished is a problem that I am not competent to answer. It is a matter for study that the officers in charge should be able to work out.

JESSE F. McDONALD,

*Down Town Mines Co., Leadville, Colo.*

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I am very much in favor of selective immigration as per Resolution No. 3 introduced by the western division of the American Mining Congress.

R. E. MAYNARD,

*General Petroleum Corporation, Los Angeles, Calif.*

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I have read Resolution No. 3, and I am fully in accord with the policy outlined in this resolution. I have also read very carefully the address of Mr. Henning, Assistant Secretary of Labor, and I take it from this article that the question of selective immigration has been put up to the foreign governments, but on every occasion has been turned down. I think that a great deal of trouble now comes from the fact that, while only a limited number are permitted to enter the country, a great many of the industries are not being benefited. I fully appreciate the difficulty the Department of Labor is confronted with, due to the fact that a great many foreigners get as far as Ellis Island and then have to be turned back, but this would be eliminated if the resolution which was passed by the western division of the American Mining Congress could be carried out, and I believe that this would solve the problem perhaps quicker and better than anything else that I know of at present.

R. P. MALONEY,

*Daris Coal & Coke Co., Cumberland, Md.*

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Please put me down as heartily in favor of Resolution No. 3 on immigration.

I am opposed to the limitation of immigration under the present law, but believe that every candidate for admission to this country shall be rigidly examined prior to embarkation. A proper examination will conclusively determine not only the physical and moral fitness of the immigrant but also whether or not he is mentally alive to his opportunities in this country.

We will always need, without limitation, every clean, able-bodied immigrant who is anxious to give a day's work for a day's pay and who is told of what the Constitution guarantees him and every other citizen of the United States.

W. H. MACURDA,

*Manor Lane, Pelham, N. Y.*

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There does not seem to be any doubt as to the shortage of available competent workers for the mining industry in the Rocky Mountain district. This is due to several reasons, one of which is the splendid system of education for our rising generation. The young men are seeking employment which will permit them to use their brain power as well as exert physical effort, and the result is that these same men are not apparently particularly interested in work which calls for excessive physical effort, rather than the opportunity for advancement through application of brain power.

An analysis of this condition brings one to the salient points as covered by the address by Mr. Henning, and also the resolution on immigration introduced in the last convention.

I am in favor of selective immigration, and the restrictions to be of such nature as will permit only those people to enter our country who are determined to assimilate under American principles, with a God-fearing respect for law and order, and a desire to live under the principles of liberty and the improvement of their personal conditions, as will apply to all law-abiding citizens in this country. I believe that the policy of the Government is wide open in so far as it stands for selective immigration. Consideration should not be given to a policy which will permit of indiscriminate immigration, because the

liberties of this country can not be properly appreciated by the rank and file of the immigrants.

I am in favor of selective immigration, with the sincere hope that the foreigners of a desirable class will migrate to this country and contribute individually to the development and the operation of our productive industries and for their personal betterment.

It would be most helpful to influence and direct approved immigrants to places of employment. This should be done immediately after immigrants have been landed at ports of entry, and they should not be permitted to remain in the densely populated districts, where unrest and discontent prevail, but they should be directed to those industries which need their services to a greater degree—and our western mining industry does need good workers. Labor boards of the various States have information which can be quickly furnished.

**E. T. LEDNUM,**

*Manager Sales Department, E. I. du pont de Nemours & Co., Denver, Colo.*

However, will say that I am heartily in accord with the principle of selective immigration, and it seems to me that the resolution which the Mining Congress adopted indicates a policy that would have none but good effects.

**J. A. LUTES,**

*General Manager of Mining Operations, Todd-Stambaugh Co., Duluth, Minn.*

If the European nations refuse to permit examination of intending emigrants, I do not see how we can make selective immigration effective. It is certainly bad policy to allow the riffraff and subnormal elements from the European countries to come here. Good immigrants are an asset and bad ones are a liability. There is no doubt that we have room in this country for at least double, or perhaps four times, the population that we now have. The value of land increases in proportion to the amount of population that occupies it. It is for this reason that new countries make such great efforts to attract population. I think it better, however, that this Nation should grow more slowly than to permit a vast swarm of worthless humanity to be dumped on our shores from other countries.

**FALCON JOSLIN,**

*Chilkat Oil Co., Seattle, Wash.*

I brought the subject matter of the resolution up for discussion for a few minutes at a meeting of representative business men of Casper last night and found a unanimity of opinion in favor of a restricted, selective immigration and rather in favor of the alien registration suggestion of the Labor Bureau.

I do not believe that any fair-thinking citizens will object to any legislation which will raise the standard of immigrants entering this country, as not only the vitality of our governmental institutions but those of our industrial enterprises, as well, depend upon maintaining at all times a preponderance of decent, industrious, and intelligent citizens.

**R. S. ELLISON,**

*Midwest Refining Co., Casper, Wyo.*

The question of immigration is one of the most important questions affecting the mining industry to-day.

The resolution which was adopted by the western division of the American Mining Congress at the twenty-sixth annual convention merits my entire approval.

**WM. B. DALY,**

*Anaconda Copper Mining Co., Butte, Mont.*

I am in sympathy with the resolution introduced by the western division of the American Mining Congress.

I have read with great interest the address made before the convention by Mr. Henning, and I am sure he struck the keynote when he said, "We have all the room in the world for brains and conscience and loyalty and sound minds in sound bodies," but we do not want men or women to come over here to spread the gospel of Bolshevism or communism, neither do we want mental or physical derelicts. I think it would be much better to put into operation some plan that would permit of the examination and checking of all immigrants who desired to come to this country before they leave their own shores, rather than make the examination after they reach Ellis Island.

J. A. CRANSTON,  
*San Francisco, Calif.*

I have also read Resolution No. 3 passed at the last session of the congress upon the same subject (Immigration).

I am heartily in accord with the resolution and fully indorse the contentions of Mr. Henning.

ELI T. CONNER,  
*Hudson Coal Co., Scranton, Pa.*

It is not clear to me how unrestricted immigration can fail to add to the ranks of the discontented. I think it would be a very serious mistake not to exercise every possible care to keep out all undesirables. Yet at the same time I would welcome the thrifty and industrious, as we need all we can get of them to aid us to teach and assimilate the population we already have. We have got to get over our snobbishness, and when men realize that honest achievement is the highest prize in life the labor problems will cease to exist.

R. M. CATLIN,  
*Franklin, N. J.*

Unrestricted, unlimited immigration can no longer be tolerated, and some system must be adopted whereby immigrants admitted to this country will be those we need and select instead of those which the European countries are only too willing to reject.

I haven't sufficient knowledge of international law to know what regulations can be adopted, but it would seem to me that as passports are now necessary to gain admission into almost any country we should refuse to admit immigrants to this country who are not provided with passports signed by the United States minister or consul to the country from whence they came. These officials could then be instructed to give passports only to farmers and skilled artisans. By this means the United States would obtain the men we need instead of the people that foreign countries want to get rid of.

D. W. BRUNTON,  
*Denver, Colo.*

My views would be that there should be no greater number of immigrants admitted to this country than at present, unless such immigrants were of the higher type mentally and with the distinct understanding that such immigrants would be obliged, on their admission to this country, to become naturalized citizens within a period of two years and indicate their intention along this line, deportation being the penalty for noncompliance.

My views on the immigration question are that many industries in their desire to secure labor have been entirely too selfish. What they wanted was a plentiful supply of cheap labor, regardless of the quality or character of the immigrants to be admitted. In other words, I believe a larger number of people now residing in this country should become Americanized in the larger sense before admitting any greater number of immigrants of the objectionable standing to which I have just referred.

W. J. JENKINS,  
*Vice President and General Manager  
Consolidated Coal Co. of St. Louis, Mo.*

If the Nation is justified in limiting the number of immigrants who may enter each year, it is also justified in stipulating that the quotas consist chiefly of those classes of which we are most in need. Selective immigration, as outlined briefly in resolution 3 adopted at the Milwaukee convention, should help materially alleviate our labor shortage and is highly commendable. According to Secretary Henning, much opposition by foreign governments to any regulations which appear to dictate as to who shall be permitted to emigrate is to be expected, but such opposition should not be an insurmountable difficulty. If the examination of aliens in their own countries by agents of this Government is provided for, it seems possible that a semiemployment service might also be inaugurated, giving prospective immigrants definite assurance of work on their arrival. Undue stress should not be placed on the intellectual attainments of applicants, for obviously persons of unusual mentality will not be permanently attracted by manual toil.

E. H. WELLS,

*President New Mexico School of Mines, Socorro, N. Mex.*

The CHAIRMAN. That exhausts the list of witnesses that have been asked to appear. Without objection, the committee will adjourn to 10.30 o'clock a. m., Thursday, January 10, 1924.

(Thereupon the committee adjourned to meet at 10.30 o'clock a. m., Thursday, January 10, 1924.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES,  
*Thursday, January 10, 1924.*

The Committee met at 10.30 a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. Gentlemen of the committee, I have received a large number of telegrams, letters, and communications regarding this legislation. I do not wish to present all of them, so I have selected a few that are representative of the whole, which I shall ask to be printed, if there is no objection. First, I have a letter here from Mr. Frank F. Holliger, of 1346 Newton Street NW., Washington, D. C., which is as follows:

No. 1346 NEWTON STREET NW.,  
Washington, January 6, 1924.

To the COMMITTEE ON IMMIGRATION,

*House of Representatives.*

SIR: Understanding that your committee is now considering the question of immigration, I desire to put before you a thought that has run through my mind for several years and which I have only once seen alluded to in the newspapers, or otherwise. Perhaps it has often been considered and rejected, but here it is.

I believe it is recognized that the conglomeration of immigrants in the cities is a menace to the country, and it surely has not resulted in the former rapid and satisfactory amalgamation of them into the population of the great country they have adopted. I believe our country is what it is largely because of the admixture of the blood of the civilized peoples of the world, but the mixing is necessary.

I also believe it is generally deplored that the rural or farming population is diminishing, not only because it is resulting in higher prices for most of the things on which we subsist but because there is stagnation and retrogression of the land agriculturally. Farm labor is high and scarce and the effects are far reaching.

Now, why would it not be a fine idea to make it a condition of entry into this country that the immigrants become farmers and farm laborers for a time, say, until they have attained citizenship. I believe that they would then remain farmers, or a large majority would. Of course, there would be some grounds of exception, and horticulture, dairying, etc., might well be added to

farming. Perhaps the coal mines should continue to be largely operated by foreign labor. It is not labor that Americans are generally inclined to.

This condition would put thrifty, industrious, and oftentimes experienced, immigrants where they would be more needed than in the cities; would scatter them among Americans, giving less opportunity for maintaining their racial characteristics, habits, languages, feuds, hatreds, etc., and I believe make Americans of them in one generation.

The objection may be raised that many immigrants have not had experience in agriculture and the kindred industries. This might keep some of them out, but not the kind that we need. Many have been factory employees by necessity and not from choice, and would welcome an opportunity to work out of doors in the soil. There is a widely inherent passion to own land, and this would be an opportunity.

My own forefathers immigrated from Switzerland to Ohio in the late forties and became farmers, though one had been a weaver and the other a landscape gardener. I venture to believe that it has been better for their offsprings than if one had settled at Fall River and the other had attended to some rich man's lawns on Long Island, or, worse yet, if they had stopped on the East Side of New York. I believe it has been better for the country also, as none has been supported in penitentiaries.

Recently I heard a geographic society lecture on Paraguay, South America, and, among other things, the lecturer, E. M. Newman, showed pictures of some thousands of immigrants starting life in the virgin forests of a very non-progressive country. I venture to believe that that particular group would have preferred the United States of America and that they would have benefited this country. They went down there because we are restricting them here to their exclusion.

It may be urged that it would be difficult to hold them to the condition. This is, of course, a matter for serious consideration, but I do not believe it more difficult than many things that are successfully done. I believe it would be better from many points of view if we kept better records and information as to the foreigners admitted to our opportunities.

Hoping that I have not too greatly trespassed on your valuable time, I beg to subscribe myself as,

Yours, hoping that the thought may be of some value,

FRANK S. HOLLIGER.

Brief from the bureau of immigration of the National Catholic Welfare Conference relating to H. R. 101:

NATIONAL CATHOLIC WELFARE CONFERENCE,  
Washington, D. C., January 7, 1924.

*To the honorable Chairman and Members of the House Committee on Immigration and Naturalization.*

DEAR SIR: The inclosed brief from our bureau of immigration relates to the proposed new immigration measure H. R. 101. It is presented by the director, Mr. Bruce Mohler.

I wish to say that it is supported fully by the National Catholic Welfare Conference.

Respectfully yours,

JOHN J. BURKE, C. S. P., *General Secretary.*

NATIONAL CATHOLIC WELFARE CONFERENCE,  
Washington, D. C., January 7, 1924.

*To the honorable Chairman and Members of the Committee on Immigration and Naturalization, House of Representatives.*

GENTLEMEN: The National Catholic Welfare Conference takes this opportunity respectfully to register its opinion concerning H. R. 101, now under discussion before your committee, and the proposed immigration legislation contained therein:

1. We protest against the principle and purpose underlying this bill which excludes immigrants from certain countries and favors admission of immigrants from other countries. Such a policy is a distinct and deplorable departure from our enduring traditions as a nation. Our fundamental tradition



is fair treatment to all nations. The proposed bill involves an evident discrimination and a substantial injustice to certain particular nations. No reason of statesmanship can be advanced in its defense. Nothing can cloak the arbitrary unfairness in selecting the 1890 census as against that of 1910 as a basis for establishing the immigration quotas. The process is purely mechanical, designed for an ulterior purpose which can not but result in arousing against us the enmity of other nations.

America is strong enough to assimilate in the future the foreigners who will come to us under a normally restricted immigration.

The Americanization of all who live within our land is our earnest hope, our constant endeavor. In spite of difficulties and of failures they who really labor in this field are not pessimistic. The large majority of those who come here from other lands are not only taking out first citizenship papers but are educating themselves in the elements of American civics. Vast numbers have already proved themselves worthy American citizens. The great series of civics handbooks, translated into 14 different languages by the National Catholic Welfare Conference, has had a wide circulation and is welcomed by all nationals. A study of the voters in National and State elections will show that it is the American-born who are growing listless and indifferent on State and National political questions.

It would be difficult to imagine a more efficient means of preventing the Americanization of the foreigner than this proposed discriminating restriction law. The foreign born would be angered against America by the patent unfair distinction which this proposed bill makes against their country and by the manner in which it terms their fellow-countrymen undesirable aliens. This postponement of Americanization of the aliens amongst us, this likelihood of continuing national cliques in the body politic, this secret or expressed resentment of other countries, will be the result of this bill if enacted. And the message of our country to the world will not be one of good will and equal justice to all, but of discrimination, of difference, and of dislike.

Restriction in immigration should be enforced. But a study of selection based on general fitness for citizenship and on moral, humane, and economic grounds would be a more just basis.

We respectfully ask, therefore, that this discriminating feature of H. R. 101 be corrected before it is presented for the attention of Congress. If fewer immigrants are desired, let it be brought about by reducing the present 3 per cent figure based on a recent census, that of 1910, or, better still, the 1920 census, and not by direct affronts to various groups of foreign-born citizens and by insult to the nations from which they came.

The "quota" figure of 200 is too low to correct the moral and humane needs of immigrants from countries with small quotas. If no other means of correction is supplied then this figure should be raised to at least 500 as a means of permitting the union of immediate families. The latter figure will be a negligible factor in relation to increasing the gross quotas of the various countries. This and the foregoing are covered in recommendation No. 1 (a) and (b) of this brief.

2. The National Catholic Welfare Conference gives full support to the creation in H. R. 101 of a nonquota immigrant class which we understand grants to the nonquota class the privilege of being admitted as such into the country at any time and entirely independent of the quota, filled or unfilled, of the particular country from which such immigrant comes. The provision injects moral and humane features absolutely lacking in the present restriction law. In addition, we urge even greater latitude than H. R. 101 gives, with the hope of permitting the entry of wives and unmarried children of those aliens already here who, through taking out first citizenship papers or otherwise, have demonstrated their desire to reside permanently in the United States and to become law-abiding citizens. Such privileges granted to future citizens will alleviate many of the hardships and tragedies which are being enacted continually through deportations from United States ports or through forced separations of immediate families. The moral and humane possibilities of such a law would be tremendous and could only result in good. Such a provision in the law would prevent aliens already here from becoming estranged and finally deserting their immediate families from whom they have been forcibly separated, a condition which is prevalent amongst all classes of immigrants under the present restriction law. An example of this need is plainly presented amongst a group of Maltese in Detroit, Mich.,

where there reside 1,000 Maltese men and only 38 Maltese women, wives and children of the former finding it impossible to come to the United States owing to the so-called "homeopathic" quota for Malta, which with five other countries is classed as "Other Europe" with an annual quota of 86. We maintain that the family as a unit must be considered and that it is our primary duty to provide for this union of husband and wife and all of their unmarried children.

The quota relative class established in H. R. 101 is in need of a broader interpretation. As constituted at present it would fall in its purpose, especially in relation to those countries with small quotas. Wives and minor children of aliens already in the United States will not be able to make the necessary arrangements nor successfully compete in the race against exceedingly small quotas. For those countries even if the entire quotas established in H. R. 101 were given over to the quota relative class, it is reasonable to suppose that it would be five years or more before every married man would have his family. In the meantime husbands would have formed other alliances, minors would have outgrown their status, and the family would be shattered. These blood relatives should be classed as nonquota immigrants, in view of which we have added our request and recommendation No. 2 (b).

3. In subdivision (d), section 4, regarding "ministers of any religious denomination" the National Catholic Welfare Conference protests against the restrictions which that requirement places upon Catholic priests in making it necessary for them to have "continuously for at least four years immediately preceding" \* \* \* carried on "the vocation of minister." We would call attention to the fact that a Catholic priest is as much a priest immediately following his ordination as he will be four years later. His long years of study and sacrifice of income are surely sufficient evidence of a fixed and permanent profession. Moreover, the possibility of fraud is excluded by the fact that no priests come into the country unless accredited to one of the bishops of the country or one of the corporate religious orders, who will vouch for their profession and their occupation. Catholic priests should be granted at least the same exemption that they enjoy under the present 3 per cent restriction law and should be included in the class of nonquota immigrants. The wording of the new law, when referring to this, should state "duly ordained ministers of religion on proper presentation of ordination papers, or the equivalent thereof, duly attested by recognized ecclesiastical authority." We request, therefore, that in subdivision (d), beginning line 8, page 5, the words "ministers of any religious denomination" be taken out and a separate paragraph be added placing in the nonquota class duly authorized ministers of religion.

4. It is our opinion that aliens who have established permanent residence in the United States should no longer be considered as immigrants on returning from temporary visits abroad. Therefore we are requesting in recommendation No. 4 that subdivision (b) of section 4, on page 4, be stricken out and that it be included as subdivision 6 under section 3 on the same page, bringing this class of aliens under the "nonimmigrant" group. Certain countries have refused to recognize the preferential status which our law gives these returning residents and when classed as immigrants have prevented their return until the respective country's annual quota had been exhausted. This action has caused great inconvenience and loss to American residents.

5. On page 15 of the bill, subdivision (d), under section 10, has all the appearance of being a "joker." Theoretically under this provision a consul so inclined would be able to fill a country's entire quota with nonquota immigrants, inasmuch as this provision gives him the right to issue quota immigrant certificates to immigrants proven to be of the nonquota class. We are recommending, therefore, that the phrase "nonquota immigrant" be stricken out.

In summing up, therefore, we respectfully request and recommend that the following changes be made in the present bill (H. R. 101):

1. (a) That the census of 1910 rather than that of 1890 be taken as a basis for establishing quotas.

(b) That the "quota" figure in line 5 of subdivision (a), section 10, be raised from 200 to 500, this change to be provisioned on the acceptance of the substance of recommendation No. 2 (a) and (b) below.

2. (a) That subdivision (a) of section 4 be changed to read "an immigrant who is the husband, wife, father, mother, or unmarried child of a citizen of the United States," etc.

(b) That there be added to section 4 a subdivision as follows: "An immigrant who is the husband, wife, or unmarried child of an alien who (1) has been permanently admitted to the United States, (2) has resided in the United States continually for at least two years immediately prior to the time of the filing of the petition, and (3) has at least one year prior to the time of the filing of the petition declared his intention in the manner provided by law to become a citizen of the United States."

3. That in subdivision (d), section 4, the phrase "ministers of any religious denomination" be stricken out and a separate paragraph be prepared placing such ministers in the nonquota class without any specified limit as to the time they shall have carried on this vocation, but with the phrase "duly ordained ministers of religion on proper presentation of ordination papers or the equivalent thereof duly attested by recognized ecclesiastical authority."

4. That subdivision (b) of section 4 be stricken out and that it be included as subdivision 6 of section 3.

5. That the words "or a nonquota immigrant" in line 9, page 15, subdivision (d), of section 10 be stricken out.

Respectfully submitted,

**BRUCE M. MOHLER**, *Director, Bureau of Immigration.*

Telegram from citizens of Schenectady, N. Y., signed by William W. Campbell, mayor:

SCHENECTADY, N. Y., January 7.

CHAIRMAN IMMIGRATION COMMITTEE,

*House of Representatives, Washington, D. C.:*

Please accept from the Italians of our city an approval of the selective immigration bill and a protest to the proposed Johnson exclusion bill, now pending before the Immigration Committee, on the grounds that the latter violates our American traditions and is an unjust discrimination against the Italians and other friendly nations of southern Europe.

William W. Campbell, mayor; Pasquale Demarco, private banker; Hannibal Pardi, attorney; Rev. M. A. Bianco, clergyman; Louis Deangelo, real estate; Rev. James Matturo, clergyman; Ettore Mancuso, attorney; Charles H. Altieri, supervisor; Charles J. Drago, attorney; Rev. Angelo Mastandrea, clergyman; Alexander Matarazzo, alderman; Dr. Arnaldo A. Samorini; Vincent F. Guerra, pharmacist; Doctor Caudela, L. A.; Dr. Joseph H. Cornell; Germano Cussella, Venerable Order Sons of Italy.

Telegram from representatives of all the Polish political organizations of Greater New York and the State of New Jersey protesting against H. R. 101.

NEW YORK, N. Y., January 8, 1924.

HON. ALBERT JOHNSON,

*Chairman of Immigration Committee,*

*House of Representatives, Washington, D. C.:*

We, the undersigned, duly elected representatives of all the Polish political organizations in Greater New York and the State of New Jersey, representing the citizens of Polish descent, at a meeting held at No. 10-23 St. Marks Place, in the city and State of New York, on January 6, 1924, which meeting was attended by 40 delegates of Republican, Democratic, and independent political organizations, do hereby address the House Immigration Committee in the Congress of the United States, that—

Whereas a certain bill, popularly known as the Johnson 2 per cent Immigration quota bill, indexed as H. R. 101, is about to be introduced for a vote and recommended for enactment by the Congress of the United States, which bill in effect is intended to reduce the immigration quota from 3 per cent to 2 per cent based on the Census of 1890; and

Whereas such a bill if passed and enacted into law would be unfair, unjust, discriminatory, and un-American in that the quota will be determined not as heretofore but on the Census of 1890, and which will be detrimental to the best interests of the people of the United States; and

Whereas we, being unable to appear in person before your honorable committee to voice our sentiments: Do hereby

*Resolve*, That said bill be modified in so far as it adopts as its basis of computation of the immigration quota the Census of 1890 because such a basis of computation is obviously discriminatory and unjust.

JOSEPH G. GLEBOCKI.  
WALTER P. MICA.  
WALTER WIECHNICKI.

Letter from the Michigan Sugar Co., by the manager of its labor department, Mr. F. J. Klump:

MICHIGAN SUGAR CO.,  
Saginaw, Mich., January 3, 1924.

HON. ALBERT JOHNSON, *Chairman,*  
*Committee on Immigration and Naturalization,*  
*House Office Building, Washington, D. C.*

MY DEAR SIR: Permit me to thank you for the courtesy shown me by yourself and other members of your committee at the recent session while in Washington.

On account of the peculiar conditions existing at that time I was unable to present our needs just as I would like to have done; therefore, I desire to formulate as briefly as possible our agricultural needs and what I think should be done in the drafting of the immigration bill which your committee will present to the House.

In the first place, I desire to say that on account of the incessant cross-fire to which I had to submit from several members of your committee I was unable to clear up several points in the matter at hand. For instance, one gentleman referred to exaggerated report of the National Child Labor Committee in reference to labor conditions in the Michigan beet fields. I am inclosing a copy of a report made by the legislative committee appointed by the Michigan Legislature of 1923, and also several newspaper clippings covering this point, which will give you additional information. I refrain from making any further comments as regards to this matter, knowing that you are fair-minded and are able to judge the merits of the charges and the refutation of the same as per attached clippings.

Again, the question of wages paid beet labor by our beet farmers was also made prominent by one of the members of your committee. I desire to explain that aside from the allotted acreage each laborer takes care of, he has the opportunity to assist in general farm work during the season for which the respective farmers pays him extra going day wages which increases his earnings to the extent of several hundred dollars, and in this way also relieves the general farm situation in the beet territories caused by the present scarcity of farm labor. Efficient beet labor, aside from the healthful surroundings, free house rent, a garden for vegetables, and place for poultry and in some instances a cow and a pig or two, free transportation, makes fair wages—so much so that many of them are able to buy farm homes in the course of a few years' time.

In the second place and in a general way, I desire to bring to your notice the fact that the number of skilled agricultural laborers—especially those adapted for the sugar-beet industry of our country—have become very scarce since the late war, and under the present immigration law only a limited number are available to fill the depleted ranks of farm labor. The sugar industry in our own State is in need of about 25,000 skilled workers each season and under the present shortage of farm labor and in particular skilled beet workers the tonnage of sugar beets per acre is below normal and causes a considerable loss to the respective farmers. I do not know but what this same condition exists in your own State, where a considerable beet acreage is being planted for the manufacture of sugar.

It was intimated during my presence in your committee's session that the sugar-beet industry was not making use of the available quota of people coming in from Europe. This in part is true for the reason that the greater part of immigrants coming to our shores settle down in the larger industrial centers, forming colonies and keeping up their old-country customs and habits of living, which as we all know are detrimental to our American civilization.

What we need at the present time are people who have been born and raised in agricultural districts of northern and western Europe who are mentally sound, wholesome in their mode of living, having in view of becoming American farmers and law-abiding citizens of the United States. This is the class of people that came to our country 30 and 40 years ago who have helped

to make our land what it is and who are to-day the backbone of our agricultural life in many localities. This is the kind of people that we should welcome, as they alone will fill up the depleted ranks in our farm communities.

We are heartily in favor of a selective quota based upon the immigration of 1890. However, there should be provisions made which would permit of bringing in the necessary number of skilled farmer whenever conditions demand it. This would in no wise interfere with the farmer boy or farm hand of the United States. The fact is that the number of farmer boys in this country, trained in agricultural pursuits, is being continually decreased, being attracted by the allurements of city life.

Because of these conditions, briefly stated, the present Congress should amend the immigration law, especially subdivision No. 3 to rule 27 under the head of "Advance application for the privilege of importing skilled labor," so as to permit the bringing in of skilled agricultural labor under the supervision and with the consent of the Secretary of Labor and Secretary of Agriculture. In other words, the term "skilled" should be broadly defined according to Webster, so as to include agricultural as well as mechanical occupations. A born farmer is as much skilled in his work as the man who works in the factory.

I trust that it may be permissible for you to add this statement, attached legislative report, and clippings to the record of the inquiry already submitted by me in person.

Believing that our position is reasonable and just, we pray you to lend your influence in the adoption of such measures in the forthcoming immigration law which is being formulated by your committee, and presented to the House of Representatives for confirmation in the near future.

Yours very truly,

MICHIGAN SUGAR Co.,  
Per F. J. KLUMP,  
Manager Labor Department.

FJK/HR

Telegram from citizens of Somerville, Mass., protesting against H. R. 101:

SOMERVILLE, MASS., January 9, 1924.

CHAIRMAN IMMIGRATION COMMITTEE,  
*House of Representatives, Washington, D. C.:*

In behalf of several thousand citizens of our parishes as well as in our own personal behalf we the undersigned wish to file our protests against quota section in proposed exclusion Johnson immigration bill pending before your committee on the grounds that while giving an undeserved blow to us all Americans of Italian extraction it deteriorates in our estimation the true spirits of America. While it does not attain the aim it proposes, the spirit of discrimination that underlies said restrictive measure tends to prevent that desired assimilation of the new American element and the exclusion of the Italian laborer tends to cause a more acute crisis in American industries.

Rev. L. TOMA, Pastor, 12 North Square, Boston.

Rev. N. PROPERZI, Pastor, 12 Vine Street, Somerville.

Rev. P. MASCHI, Pastor, 12 Waverly Street, Framingham.

Resolution of the Immigration Restriction League (Inc.), 55 Broadway, New York City, concerning H. R. 101.

IMMIGRATION RESTRICTION LEAGUE (INC.),  
New York City, N. Y., December 31, 1923.

HON. J. HILL TAYLOR,  
Washington, D. C.

DEAR MR. TAYLOR: The following resolution was unanimously adopted by vote of the Immigration Restriction League (Inc.), at a meeting held on the 28th day of December, 1923.

"Resolved, That the Immigration Restriction League (Inc.), strongly urges upon Congress the inclusion of Mexico, Cuba, and the countries of Central and South America with the countries to which the quota restrictions proposed by the pending Johnson-Lodge selective immigration law shall apply."

This resolution was unanimously adopted, and I was instructed to mail you a copy.

Very truly yours,

A. R. WEBSTER, Secretary.

Telegram from Elon H. Hooker, president Hooker Electro-Chemical Co., and chairman American Defense Society, New York, indorsing H. R. 101:

ALBERT JOHNSON,

*Chairman Committee on Immigration and Naturalization,  
House Office Building:*

Your immigration bill embodies sound and essential principles. Push aside obstruction and get action quickly.

ELON H. HOOKER,

*President Hooker Electro Chemical Co.,  
Chairman American Defense Society.*

Letter from Dr. David Starr Jordan, Stanford University, California, protesting certain phraseology of proposed legislation:

DECEMBER 28, 1923.

HON. ALBERT JOHNSON,

*House Office Building, Washington, D. C.*

MY DEAR MR. JOHNSON: I beg to protest against the use in any statute or other publication of the United States Government of the phrase "Ineligible to citizenship" in relation to the Japanese people. It is an evasive phrase, based on an old anti-Chinese statute, as you know, and the Japanese find it peculiarly insulting. As Roosevelt once said to me, "It always pays for a nation to be a gentleman."

I also think that the question of exclusion of Japanese laborers should be adjusted by treaty, not by an "exclusion act." As you know, the real problem in California is not that of Japanese immigration, long since checked, but of the treatment of these already legally here and bound to remain.

Yours very truly,

DAVID STARR JORDAN.

Report on selective immigration from the Eugenics Committee of the United States of America:

EUGENICS COMMITTEE OF THE UNITED STATES OF AMERICA.

*New Haven, Conn., January 4, 1924.*

HON. ALBERT JOHNSON,

*House of Representatives, Washington, D. C.*

MY DEAR MR. JOHNSON: I inclose a copy of the finally revised report on selective immigration, which is submitted for use in connection with consideration of immigration legislation.

Very sincerely yours,

MARGARET ANDRUS, *Executive Secretary.*

REPORT OF THE COMMITTEE ON SELECTIVE IMMIGRATION OF THE EUGENICS COMMITTEE OF THE UNITED STATES OF AMERICA.

(Committee on selective immigration: Madison Grant (chairman), Robert De C. Ward (vice chairman), Charles W. Gould, Lucien Howe, Albert Johnson, Francis H. Kinnicut. (H. H. Laughlin, secretary of the committee, is absent in Europe, but his views are known to harmonize with those contained in their report.)

#### IMMIGRATION AN INVESTMENT IN FAMILY STOCKS.

Our immigration policy in the past has been too much a matter of temporary economic or political expediency. One of the most encouraging recent developments is the rapidly growing conviction on the part of our people that, as Dr. H. H. Laughlin has stated it, "Immigration is a long-time investment in family stocks rather than a short-time investment in productive labor."

#### THE TWO FUNDAMENTAL PRINCIPLES IN IMMIGRATION LEGISLATION.

Two essential and fundamental principles should be recognized in our future immigration legislation. The first is numerical limitation. The second is careful selection within the established limits.

## SUGGESTIONS FOR NEW LEGISLATION.

I. Percentage limitation based on the 1890 census: Americans have been doing a good deal of serious thinking on the question of their future immigration policy. It is a difficult problem, but public opinion is crystallizing around these three points: (1) Never again is there to be an unlimited inflow of cheap alien labor; (2) a numerical limitation of immigration is here to stay; (3) there must be a careful selection of our immigrants within the fixed limits.

To accomplish these ends we should have (1) percentage limitation, based on the census of 1890, and (2) some form of overseas inspection. A definite numerical limitation has been long advocated by authorities on immigration. The conviction that the census of 1890 should be used as the basis of any percentage law has been growing rapidly all over the country. Since there were fewer southeastern Europeans here in 1890 than in 1910, a percentage provision based on the former census would decidedly cut down the numbers of such immigrants. This provision would change the character of immigration, and hence of our future population, by bringing about a preponderance of immigration of the stock which originally settled this country. On the whole, immigrants from northwestern Europe furnish us the best material for American citizenship and for the future upbuilding of the American race. They have higher living standards than the bulk of the immigrants from other lands; average higher in intelligence; are better educated; more skilled; and are on the whole better able to understand, appreciate, and support our form of Government. A percentage limitation based on the 1890 census is sound American policy, based on historical facts. It is not here a question of racial superiority of northwestern Europeans or of racial inferiority of southeastern Europeans. It is simply a question as to which of these two groups of aliens as a whole is best fitted by tradition, political background, customs, social organization, education, and habits of thought to adjust itself to American institutions and to American economic and social conditions; to become in short, an adaptable, homogeneous and helpful element in our American national life. As President Coolidge tersely expressed it in his recent message to Congress, "America must be kept American."

The country at large has been greatly impressed by the results of the Army intelligence tests made during the war, which have been carefully analyzed by Lieut. Col. R. M. Yerkes, Dr. C. C. Brigham, and others. That recent immigrants from northern and western Europe make significantly higher scores on the average than do immigrants from southern and eastern Europe seems established. Along with the shift of the past few decades in the tide of immigration from northern and western Europe to southern and eastern Europe, there has gone a decrease in intelligence test scores of the immigrants entering this country. The experts who have analyzed the statistics and who have tested the tests believe that the responses on the tests give as accurate a measure of intelligence as is possible at the present time. The questions making up the examination were selected with a view to measuring innate ability rather than acquired information and education. In addition, individuals who were handicapped by a lack of knowledge of the language, due to shortness of residence in this country or for other causes, were given performance or nonlanguage tests, which eliminated the effect of this factor. While some persons are skeptical about these results, it seems clear that the majority of these who have gone into the matter are satisfied that the conclusions reached are essentially sound, and that certain important facts regarding the intelligence of our immigrants have been established.

Experts have told us that had mental tests been in operation, and had the "inferior" and "very inferior" immigrants been refused admission to the United States, over 3,000,000 aliens now living in this country, free to vote, and to become the fathers and mothers of future Americans, would never have been admitted. The facts are known. It is high time for the American people to put a stop to such degradation of American citizenship and such a wrecking of the future American race.

Dr. H. H. Laughlin, assistant director of the eugenics record office, a department of the Carnegie Institution (Washington), has recently made a very thorough investigation of the "socially inadequate" groups in 445 State institutions housing the feeble-minded, insane, criminals and delinquents, epileptics, blind, deaf, deformed, and dependent. This investigation was undertaken for and under the auspices of the Committee on Immigration and Nat-

uralization of the Sixth-seventh Congress, and published in the hearings before that committee. Of the institutional population thus studied 44 per cent was either of foreign birth or had one or both parents foreign born. These figures take no account of the foreign socially inadequate in private institutions, or supported by private charity outside of institutions. Doctor Laughlin's studies bring out another very striking and important fact, viz, that immigrants from northwestern Europe on the whole contribute far less in proportion to our alien socially inadequate institutional population than do those from southeastern Europe.

A percentage limitation based on the census of 1890 would therefore not only reduce (1) the inflow of unskilled "cheap" labor but would also greatly reduce (2) the number of immigrants of the lower grades of intelligence and (3) of immigrants who are making excessive contribution to our feeble-minded, insane, criminal, and other socially inadequate classes. Percentage limitation based on the 1890 census, therefore, is the simplest, most logical, and most effective means readily at hand for accomplishing all three of these very necessary things. The original argument in favor of the percentage law was economic. The fundamental reason for its continuance is biological.

II. Consular certificates for intending immigrants: We need both (1) a far more effective system of inspection at our own ports and of (2) some sort of preliminary selection overseas. The former requires larger appropriations and more and better paid inspectors, both general and medical. The latter has for years been advocated as necessary and humane—a benefit to the United States and a means of preventing unnecessary hardship to the alien. Consular certificates should be required of each intending immigrant before he starts on his voyage. This certificate should contain answers to questions essentially the same as are asked of the immigrant on his arrival at our ports, as well as full information about his health, civic record, political activities, and character, and the general standing and health of the immigrant's family.

It should include a statement from the responsible police authorities of the immigrant's residential city or district that the applicant has not been convicted of crime (other than political), and should be certified by oath before a United States consular officer abroad. While there would, undoubtedly, be many cases of perjury and of fraud in this connection, there can be no question that a very great many undesirable aliens, excludable by law, would be headed off by our consuls when application was made. Such a certificate plan would reduce hardships to the absolute minimum; avoid the division of families; save the nationals of other countries the expense, perils, and hardships of the ocean trip to the United States only to find that for some reason the immigrant or some member of his family can not enter. Certificates should be issued only up to the numbers allowed by the quotas, and should be good for six months, so that if an alien came at any time within that period he would not be denied admission as being in excess of the quota allowance. This provision would also stop the rush of aliens at the beginning of each month, and would make possible a more deliberate and more thorough medical inspection—an improvement very greatly to be desired. Under this plan, the real inspection, medical and otherwise, would be made at our own ports, as it should be, but most of the aliens who would be excluded on examination here would never start on their journey. The certificate plan, then, would, through the preliminary selection overseas, benefit the United States. It would also very greatly diminish the hardships of the alien. It is selective. And it is humane.

III. Mental tests for immigrants: If our future population is to be prevented from deteriorating, physically and mentally, higher physical standards must be required of all immigrants. In addition no alien should be admitted who has not an intellectual capacity superior to the American average. Aliens should be required to attain a passing score of, say, the median in the Alpha test, or the corresponding equivalent score in other approved tests, these tests to be given in the native tongue of the immigrant. Further, if possible, aliens whose family history indicates that they come of unsound stock should be debarred.

IV. Requirement of cash bonds when aliens are admitted on appeal: The general immigration act of 1917 gives the Secretary of Labor authority to admit certain classes of aliens under bond. In theory, this is a humane provision. In practice, it has resulted in the admission in past years of many thousands of aliens who had been certified by competent medical examiners as having such mental or physical defects as constituted them potential public charges, or otherwise highly undesirable elements in our population. The



bonds are usually taken out through a surety company by a relative or friend of the admitted alien, or by an immigrant aid society. These bonds in most cases are worthless. For many reasons, in which the relative or friend plays the chief part, the alien admitted on appeal is soon "lost." Changes of residence, changes of name, and removal to another State are common schemes for bringing this about.

In many cases the relatives or friends are willing enough to care for the admitted alien for a time, but soon lose interest in him, and are perfectly willing to have their bonded fellow-countryman taken care of by the community. A large percentage of all bonded aliens have violated and forfeited their bonds and are in the United States, some in public institutions; some supported more or less of the time in public institutions; some supported more or less of the time by public or private charity; most of them at large, a social menace because themselves in many cases mentally defective, they produce mentally inferior children.

This very serious situation, recognized as such by all competent authorities on immigration, should be at once remedied. Aliens should be admitted on appeal over the heads of the medical examiners only in very rare and exceptional cases, and in such cases cash bonds in substantial sums, say \$1,000 or more, should be required. This money should be held at interest in the United States Postal Savings Bank. If, at the end of five years, the alien has proved to be a self-supporting and desirable citizen, the principal and interest should be returned to him. If on the other hand he has become a public charge, or is otherwise undesirable, the money should be used to help pay the expenses of his maintenance, and to deport him. The present "paper" bonding system has worked incalculable injury to our population.

There being no objection, the foregoing documents are ordered to be printed in connection with the hearings.

Mr. SABATH. I have a few things that have come to me, but I have been unable to look them over and I am going to ask that I be permitted to file some in the record with my statement. I do that because I do not wish to delay the committee.

The CHAIRMAN. If there is no objection on the part of the committee, Mr. Sabath will be permitted to file a statement in regard to briefs, etc., coming to him and to make a statement of his own.

There being no objection it was so ordered.

Mr. CABLE. I should like to present a letter from Secretary Davis, of the Department of Labor, addressed to Senator Walter E. Edge on this question of immigration.

The CHAIRMAN. If there is no objection, it will be permitted to go in.

There being no objection it was so ordered.

(The letter is as follows:)

DEPARTMENT OF LABOR,  
Washington, January 7, 1924.

HON. WALTER E. EDGE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter from your constituent, Mr. S. A. Snook, of New Jersey, deals with a matter not only of interest but of importance. It is clear to me, and I have on many occasions said, that our immigration laws ought to operate to protect the rising American professional man as well as the American worker. I can see no reason or justice in allowing the foreign business or professional man to come to America and crowd out the American-born youth.

It is plain that for every professional man who comes to us from abroad and takes his place in our American life we have lost a place that might well be filled by an American youth. It will not do for us to crowd the higher places in our economic life with imported aliens, to the detriment of the native born. If we do so we will eliminate the chances before our American youth, and America will no longer be the land of opportunity. It is just as important

to maintain the American standard of living and the American scale of wages in the professions as it is to maintain them for our manual workers, skilled or unskilled.

With this thought in mind it appears to me that we might do well in revising our immigration laws to make it clear that any preference accorded to the "learned professions" is extended only to those who come as teachers or scholars and not to those who come to take practical places in our economic life which might better be filled by our own people. We need and want all that the Old World can send us of learning and knowledge, but I believe that the same restrictions should be imposed upon the admission of practical engineers and technicians seeking places in industry as are imposed upon skilled and unskilled labor. Of course, where like labor can not be found unemployed in the United States, I am not opposed to admitting it. I have this situation in mind in connection with the suggestion for immigration legislation which I recently sent to the immigration committees of the Senate and House.

Cordially yours,

JAMES J. DAVIS.

Mr. DICKSTEIN. I ask unanimous consent that I be permitted, within a few days, to file a few memoranda. I have quite a number of them.

The CHAIRMAN. We are trying to close up this thing. Have you anything that you could send in to-night or to-morrow morning?

Mr. DICKSTEIN. I will be fair to the committee, and say that I do not want to put a bulk of it in. I want to put only a few things in.

The CHAIRMAN. That is what I am doing—I am trying to take representative articles, telegrams, and letters, addressed to the chairman. I would suggest that you put in a half dozen or so.

Mr. DICKSTEIN. I would not care to put that many in.

(There being no objection, the consent was granted Mr. Dickstein to present for the record certain articles, letters, etc.)

Mr. DICKSTEIN. I have received a good many statements and I shall present samples. I will not encumber the record with many of them.

I received a statement from Louis Marshall, who appeared before the committee, asking that he be permitted to file a memorandum or brief. I think we ought to get some consent whereby he may be able to do that. I told him in my letter that I would ask that consent from you.

Mr. VAILE. It seems perfectly obvious that members will not be able to get all of them in the hearing, and we will have to make a pamphlet.

Mr. DICKSTEIN. I will have a copy for every member of the committee, and I want to reserve the right to put it in.

Mr. Box. I have been requested to present to the committee a telegram addressed to Representative Driver. I am not in sympathy with the proposals the sender offers, but am submitting the matter for such attention as the committee desires to give it.

The telegram referred to is as follows:

MEMPHIS, TENN., January 10, 1924.

Hon. W. J. DRIVER,  
Washington, D. C.:

Press reports indicate immigration bill be reported out by House committee this week. Consider it of utmost importance that authority be given in it for issuance of special immigration certificate to farmers for admittance, regardless of quota, upon verified petitions indication they are needed in this country. Regardless of this, however, it is vital to cotton region that new law make it possible for advancing passage expense this country. We indorse Secretary Davis's recommendations as printed. See page 11, section 8. Should spe-

cifically provide, however, that nothing should prohibit advancing passage expenses to alien farmers. This is one point of particular importance to us. Please see if committee covers these points.

SOUTHERN ALLUVIAL LAND ASSOCIATION,  
W. H. DICK, *President*.

**Mr. SABATH.** Mr. Chairman, when this man Gliotti testified he brought forth an Italian paper, *La Tribuna Italiana*, published at Chicago, edition of December 22, 1923, and left it with you, and tried to show the committee that it was an unpatriotic paper. He had an article translated into English and I present it to the committee. When the New York judge came here I asked him to go over it. He did so, and he stated that his translation was in substance correct. Now, I have that translation, and if you desire it to go in, it may go in. It really is an attack upon the American Federation of Labor.

The CHAIRMAN. I believe it was ordered to be put in the other day.

(The article referred to is as follows:)

[Translation.]

THE SACRED BELLY. EMBLEM OF THE DIRTY EGOTISM OF SOME OF THESE AMERICANS.

Who wants beyond the limits of reason, of humanity, of justice, of honesty, and of the so much boasted for universal international fraternity, limit immigration, chase away from this America those who have not yet secured naturalization even if they have shown themselves respectful of American laws and have with their intelligent work contributed to the increase of the prosperity of the Republic, or to register them as strangers (holding them under a certain special probation as if they were criminals or enemies of the fatherland)?

The American Federation of Labor that by a just reason should have on his coat of arms the egotistic sacred belly which has a shame for the general egotism beautifies always the columns of this Italian Trans-Atlantic Tribuna, and then not a few hypocrites, puritan bigots, are the hated, inhuman, and ferocious of all those very hateful measures planned so far or that are still being planned against immigration: those measures which now stand and shall remain as an opprobrious monument to the human, rather beastly, egotism to the sacred belly.

Raise the high Chinese walls for the protection of American industries: a higher wall, and much more hateful and inhuman, is being raised for the protection of labor at \$15 to \$20 and more per day, while in Europe people die of hunger.

Middle-age methods are being renewed when trade associations known in England as "guilds" were tyrannical working-people associations, the most tyrannical known to history.

But when appealed promptly to the generous workingman and not to the once dirty egotist, in order that he may protest lawfully and with all his force against the threatened very hateful measures which are being planned in order to reduce even more the immigration of workmen, of whom industries and American fields have now so much need.

In the name of the so much claimed international universal solidarity the generous and altruist Italian workingman, disapproving the egotistical, inhuman, and ferocious purposes of the American Federation of Labor, should protest and powerfully the association of newspapers in foreign languages of New York (that will soon extend itself to the other cities of the United States) who has decided to fight without giving any quarter the miserable plan of Secretary of Labor Davis, the humble servant of the American Federation of Labor, that member of the Cabinet who a few months ago was in Italy and Europe to deceive the world with his senseless talks.

**Mr. DICKSTEIN.** In this connection I understand that this man who presented this Italian paper was to bring back certain articles whereby he claimed that the United States Government was attacked by this foreign newspaper, and I asked him the question and the

chairman suggested that he go to the Library and dig up that paper and come back with it, and he never returned.

The CHAIRMAN. Without objection, that will go in.

Now, in connection with foreign-language papers, I have here in the file, from the days during the war on, various translations, and they are available, if the committee desire to study them. I doubt the wisdom of cluttering up the hearing with long translations.

Mr. SABATH. I had about 10,000 of them I could put in.

Mr. VINCENT. The whole question of foreign-language papers with respect to the question before us is merely incidental.

Mr. SABATH. It is tending to show whether they are disloyal and dangerous to our community and to our institutions.

The CHAIRMAN. We are here to talk over what we have learned. One witness has been around here for four or five days and wants to appear for four or five minutes with reference to the work of the immigration conference held four or five weeks ago in New York, and we have the assistant director. If there is no objection, we will hear Mr. Kinnicutt.

Mr. SABATH. Just a moment, Mr. Chairman. I have been requested by some very prominent Chicago men—some Bohemians, some Jewish, some judges holding very prominent positions, and others—to find out if they could come here and secure a little time to present themselves, I suppose as an example, and in addition to that to be heard briefly. As they are citizens of our city, I believe if you knew these gentlemen as I do, you would be pleased to hear from them. I do not want to delay this committee. I feel, in my judgment, you would be glad to do that.

(There being no objection to the statement of Mr. Kinnicutt, he was requested to proceed.)

**STATEMENT OF MR. FRANCIS H. KINNICUTT, 55 BROADWAY, NEW YORK CITY, REPRESENTING THE IMMIGRATION RESTRICTION LEAGUE (INC.), OF NEW YORK.**

Mr. KINNICUTT. Mr. Chairman, I am a lawyer by profession. I have practiced in New York City since 1901.

I represent the Immigration Restriction League, which is not to be confused with the Boston league of the same name, which is a separate organization. Prof. R. D. Ward is a prominent member of that league, and I believe he has appeared before this committee.

Our league is composed of an active membership of more than 20,000. These are mostly native-born Americans, but there is no restriction on membership. A foreigner who has become a naturalized citizen of the United States may become a member.

The league is absolutely harmonious in all its branches on this present situation. They are in favor of the present bill in all of its main features. They go a step further and would like to have the quotas extended to Mexico. They have already introduced a resolution indorsing the Johnson-Lodge bill, but I believe you have that in the record.

The CHAIRMAN. It is already in the record.

Mr. KINNICUTT. They believe in the 1890 census as a basis for the quotas. They believe that is the only way you can get the needed

adjustment of immigration so that you can readjust or counteract the excessive immigration of the last 30 years from southern and eastern Europe. But they would like to point out the necessity of getting back our immigration on a little safer line, so that the bulk of it will have the background of free government and will be a little closer to the same background of those who founded our Government.

Up to 1880 we had practically a homogeneous race, and it is only within the last 30 years that we have been getting the widely divergent races through immigration. We are getting too much mixture. That does not mean that these races are inferior. While biologists agree that a certain amount of mixture of blood is all right—and we have had a great deal of it already—we can not have too much of it without weakening the race. You can not have a mixture of the races such as is going on in South America now without getting into trouble in the long run. We are getting too much of this Mexican immigration in here now. That is very different from European immigration. European immigration is much more assimilable.

We have had about ten or twelve million of the newer immigration from southeastern and eastern Europe, from the Near East, from the Balkans—some of it of Asiatic origin—and it is different from the basic stocks of this country.

We are opposed to the idea of basing the quotas on naturalization because there is nothing scientific in that. We want to protect the American people. We do not care whether a man has got his papers or not, so far as building up our race is concerned. We want to have a certain reasonable adjustment of certain racial lines. We do not want to be unfair to any particular nation, and that is the reason that we think that the quotas as based on the 1890 census are best, because they, as a general rule, take an intermediate date between the older and the newer immigrations. If you should take naturalization as the basis of the quota you would have a grand rush to get naturalized by people we might not want to have in, or it might be of those we would want to get in. We do not know how it would come out.

As to the other points that have come up, we have seen and approved the suggested amendments presented by the American Defense Society, so I need not go into that. They are before your committee.

We are opposed to the endless chain of relatives. We think the man who is here now has a certain equitable claim, certainly if he is a citizen, to bring over his immediate family. We do not believe that should apply to relatives of people who are not now here.

I may say with reference to the report of the Allied Patriotic Societies (Inc.), that it represents its work during the whole of last year, and that organization is composed of about 30 or 40 well-known organizations of patriotic Americans in New York and elsewhere. At two regular meetings of the representatives of these allied societies this report was twice unanimously approved. While the report is not binding on each separate society, I think I can say that it represents the opinion of 90 per cent of these allied societies.

I think I can say that the overwhelming sentiment of the patriotic societies generally, of New York, favors restrictive legislation.

Speaking now again for the Immigration Restriction League (Inc.), I say that the quota basis of the 1890 census is a sound principle and that if any other principle is adopted at the last moment here this year, it may result in no legislation at all.

MR. SABATH. Is your association connected with the allied patriotic societies?

MR. KINNICUTT. The Immigration Restriction League?

MR. SABATH. Yes.

MR. KINNICUTT. It was asked to become a member last winter.

MR. SABATH. When was it organized?

MR. KINNICUTT. In 1908. It has been active ever since, and with the exception of the Boston league, I think it is the oldest society studying the question of immigration in the country.

MR. SABATH. How old is it? It has been organized since 1908, you say?

MR. KINNICUTT. I will qualify that. I will say since immigration has assumed its tremendous proportions. I do say that it is the biggest organization that has been organized since 1908 along those lines.

MR. SABATH. Don't you know that there has been a similar organization organized ever since 1804 or 1810, and that it has been in very active existence since 1820.

MR. KINNICUTT. I am familiar with the Know-Nothing Party, which was the first movement for suppressing immigration.

MR. SABATH. They have made about the same argument that I have met before. Here some time ago they made the same kind of argument that they were then making—that is, that they were fearful of the mixture, they were fearful of the kind of immigration we were receiving. It is the same argument that they made in 1810.

MR. KINNICUTT. Do you not think if we had listened a little bit better to some of their warnings that we would be better off to-day?

MR. SABATH. Do you think our country has suffered?

MR. KINNICUTT. Yes, sir; I do.

MR. SABATH. Are we not the most up-to-date and the most powerful country in the world?

MR. KINNICUTT. We are, but it is largely because of the work of our forefathers—of the people who preceded the last 20 or 30 years.

MR. WATKINS. You would say it was not because of, but in spite of, these newer immigrants?

MR. KINNICUTT. Yes, sir.

MR. SABATH. You do not think that the immigrants that came in in the thirties and forties and even in the sixties and eighties have built up this Government?

MR. KINNICUTT. I think that every race has contributed something good to America; but if we had not had this large immigration we would have had more people of the same general type that founded our country—that evolved the Declaration of Independence and the Constitution of the United States.

The excessive newer immigration has injured or has greatly lessened our national homogeneity. I think this excessive newer immigration carries great dangers of losing our homogeneity.

Mr. SARATH. Do you not think that during the war these new immigrants have offered just as valuable service to the Government as any others and have offered their lives the same as others?

Mr. KINNICUTT. I have no criticism to offer to any of the different groups. What I am concerned with is the question of national homogeneity.

We are not complaining of the American race as they are now. Those who are here are here and they all ought to be treated with equal opportunity.

Mr. DICKSTEIN. You made a remark that you objected to the endless chain of relatives. Do you mean to infer by that that the man who is a citizen today, if this bill should become a law, may bring his wife into this country and his children, but that the man who becomes a citizen the day after the law is passed, who is naturalized and admitted to citizenship, his wife and his children should be kept out?

Mr. KINNICUTT. Well, I think as to any qualified citizen an allowance would have to be made as to his relatives, but I would not go a step further.

The CHAIRMAN. Is it your thought that the reason we have a quota basis of immigration is that in event we should be caught in a situation mentioned by Mr. Dickstein, they could come to the United States?

Mr. KINNICUTT. I think the quotas are primarily intended to take care of relatives. But my position is that we really do not desire any immigration at all, and I will state for my organization—I state this confidently—that rather than see a less stringent bill go through than the present, paring it down here and there, extending the quotas, we would prefer to have an absolute suspension of immigration. We would make fair allowance for relatives of citizens of the United States.

The CHAIRMAN. That is a fair statement. You are opposed to immigration?

Mr. KINNICUTT. We are not opposed to all immigration per se. We are opposed to it at the present time because we think we have had an overdose of it.

The CHAIRMAN. You were opposed to it when your organization was founded and organized many years ago?

Mr. KINNICUTT. Do you recollect what was happening in 1908 when our organization was formed? We were getting about a million a year.

The CHAIRMAN. Well, I say you entertained the same view then as now. You were then opposed and your organization was then opposed to immigration.

Mr. KINNICUTT. Yes, but I think it is only fair to say that the founding of this society was largely induced by what many Americans regarded as a great menace from the greatly increasing immigration, since, we will say, about 1890. It did more than double.

Mr. VINCENT. You and your organization are interested and concerned in the absorption of that immigration into our sort of social life here, that it shall catch up with the immigration, are you not?

Mr. KINNICUTT. Yes, sir.

Mr. VINCENT. And your thought as to the use of the quotas is largely to permit the immediate relatives of those who are here to

come and join the persons here, so as to stabilize that portion of our population which is called newer immigration and cause it to be stabilized and absorbed into new families.

Mr. KINNICUTT. Yes, sir. We do not want to separate families and we do not want to have——

Mr. VINCENT. You do not believe that the newer source of immigration over here is unfortunate?

Mr. KINNICUTT. Yes, sir; I do think it is unfortunate, but as we recognize that a great deal of this immigration, especially Italian immigration, is shuttle-board immigration. They never intended to stay here. A lot of those males come over here and they would be perfectly willing to go back.

I have heard of two countries in which males only over 55 years of age are permitted to emigrate to us. They are not really doing what you say.

Mr. CABLE. What countries are they?

Mr. KINNICUTT. I have heard that of Poland and Czechoslovakia.

Mr. SABATH. If that were true, do you not think it would be a good idea to give the President authority to restrict all immigration as long as they restrict emigration to this country?

Mr. KINNICUTT. I believe right here in the House of Representatives rests the primary authority to control this great question. I do not want too much of it to slip out of the hands of Congress into the treaty-making power.

Mr. SABATH. I know; but suppose a country would refuse to grant passports to anyone under 45 years of age. They would be very close to the dependency class, in some cases. Would you not be in favor of further restriction by letting the President issue a proclamation suspending immigration entirely from such country as long as they refused to let the younger emigration come here?

Mr. KINNICUTT. I would be, most emphatically. I am sure that my society would agree with that.

Mr. SABATH. You are not sure that that statement applies to Czechoslovakia, are you?

Mr. KINNICUTT. I am not, but I have heard so.

Mr. SABATH. I am sure that it is not the policy of Czechoslovakia.

Mr. KINNICUTT. Have you heard it is a policy of Poland recently?

Mr. SABATH. No; I have not.

The CHAIRMAN. I had a statement from the Secretary of Labor, but I have forgotten the name of the country, something to that effect. But I will say this, that in cases of that kind where they were given passports with the understanding that they were to leave for the United States and not return to their native countries the State Department has protested in the past with good results.

Mr. SABATH. I think we should go further and suspend immigration from any such country.

Mr. WILSON. Did not your society indorse the Lodge-Johnson bill.

Mr. KINNICUTT. Yes, sir. I have the resolution in my pocket now.

Mr. WILSON. The Lodge-Johnson bill, as originally drawn, put the nonquota immigrants, husband, wife, or child of citizens of the United States.

Mr. KINNICUTT. We thought the bill was so much in advance of anything we had before, that while we did not like every detail of



it, we felt we wanted to go on record promptly as indorsing it. Since then we have passed another resolution urging the committee to extend the quotas to Mexico. That is the only formal action that the organization has taken. But I do know that the amendments of the American Defense Society were read over and informally approved. In other words we are willing to take this bill as it stands as compared with the present law. We do think that on certain points it ought to be strengthened.

Mr. WILSON. By making it more restrictive?

Mr. KINNICUTT. More restrictive.

Mr. WATKINS. In other words, from a standpoint of principle you would believe in view of the economic situation in this country that it would be better if the American people would adopt a law suspending immigration altogether, but in view of the way legislation is brought about, that is, from the standpoint of policy, you are going to stand behind the bill that makes it more restrictive, and your association has approved, for that reason, the Johnson-Lodge bill?

Mr. KINNICUTT. I do not know as I would go as far as that, because that might be assuming too much. I want to keep within my authority. The resolutions speak for themselves.

Mr. WATKINS. You have the resolution in here, have you not?

Mr. KINNICUTT. Yes, sir.

Mr. WATKINS. Well, if you had your way you would suspend immigration for a while, except to let in the immediate kin—the dependent minor children and wives of the husbands?

Mr. KINNICUTT. Of an American citizen?

Mr. WATKINS. Yes.

Mr. KINNICUTT. Yes, sir, I would.

Mr. WATKINS. How would your committee be? Are you prepared to give its views on that question?

Mr. KINNICUTT. I do not think that is quite fair. I know that they have said that they wished to be on record—when I appeared for them here and did not have express authority—as in favor of very stringent restriction. Further than that I do not think I can go.

Mr. WATKINS. Let me ask you this: You stated that if the quotas were placed on a naturalization basis that it would not be scientific and that a grand rush would be made. How could a rush be made if the naturalization records of 1890 were made the basis? What good would a rush for naturalization do and how would it affect the immigration?

Mr. KINNICUTT. Well, sir; there are two answers to that. This naturalization basis does not work out very well, even under the 1910 census. For instance, the countries of France and Belgium, which are certainly highly civilized countries, fell within the baby class; they were under 50 per cent naturalized. It does not work out scientifically.

Second, if you say, just because a people become naturalized it is entitled to a larger quota, then they would begin to naturalize, and within five or ten years they would very naturally say, "Now we have been naturalized, give us a bigger quota." naturalization based on a later census and the population basis on another census. We would not be getting the results we want.

There is one point I want to make that I did not bring out before. There is nothing unfair about the principle of the present bill if you will analyze it. This 1890 basis will reduce the proportion of the newer immigration versus the old immigration so that the newer immigration will get about 11 per cent of the immigration. If you will take all the immigrants from that part of the world which we have here now and with a fair estimate of their increase, you would only get about 11 per cent of our total population. You are probably aware of the fact that the figures of the 1920 census show that there are six or seven million of our population to-day from southern and eastern Europe. There is no reason why that six or seven million should have, as they have had for years, 70 or 80 per cent of our immigration.

The CHAIRMAN. If there is no objection, I will present this statement from the Open Shop Association of Washington, D. C.; it is entitled "To guard the country against a serious shortage of man power," and gives a graph with certain comparative figures.

(There being no objection, the paper was ordered printed.)

#### SAFEGUARD THE COUNTRY AGAINST A SERIOUS SHORTAGE OF MAN POWER.

Immigrant aliens admitted in year ending June 30, 1923 (including Canada, 117,011, and Mexico, 63,768, not subject to quota) 522,019.

During the year, 81,450 of all classes emigrated from the country, leaving a net gain of only 441,649.

Total after deducting children 16 years of age and under and adults 45 years of age and over 302,510.

Represents the total immigration during the year after deducting those classified as professional, farm workers, and "no occupation" 197,560.

For purposes of industrial production only males should be considered. Total able-bodied males is estimated not to exceed 115,000.

To the great majority of citizens in this country, and primarily those not directly connected with the industries, the immigration problem has little appeal. Our people generally, and especially those attached to the church or to the educational professions, consider the subject first from a good citizenship viewpoint, and, secondly, from the viewpoint of industrial production. This is as it should be. No intelligent man or woman desires to see the country thrown open to a horde of undesirable aliens.

There are, however, certain phases of the present immigration law which merit the attention of all who believe in justice and fair-play. One phase is shown in the graphic illustration above.

It will be seen that during the year ending June 30, 1923, under the existing restrictive law, 522,019 immigrants entered the United States. At the first blush this vast army of more than a half a million would seem adequate to take care of any demands from the country's industries, for instance, which in these times require a never-ceasing supply of man power.

Even a superficial scrutiny of the figures in the illustration will, however, tell an entirely different tale. In the first place, the number 522,019 represents, in addition to the full quota allowed under the law, 180,779 immigrants from Canada and Mexico, admitted under a special dispensation. The full quota permitted during the year, based on the number of so-called nationals in the country in 1910, amounted only to 357,803.

That is by no means the whole story. During the year in question 81,450 emigrated from the United States, thus reducing the number available from 522,019 to 441,649. Viewing the situation in the light of what might be termed industrial man power, it is necessary further to deduct children of 16 years of age and under, also adults of 45 and over. This leaves a total of 302,510.

Still another shrinkage is apparent, represented by the professionals, the farm workers, and those regarded as having no occupation. This shrinkage (104,950) gives a total of 197,560 adults. Of these it is estimated that more than one-third are females, so it is quite fair to assume that, instead of the

vast army of 552,919 admitted into the United States during the year ending June 30, 1923, there was really available for purposes of industrial production, an addition of only 115,000.

Is it too much to claim that the actual facts in the case of the Nation's immigration problem are not clearly known to the public; that the figures generally accepted are totally misleading, and that the difference between the half million alleged under the law and the actual number really means a pitiful 115,000 added to the Nation's industrial workers? One hundred and fifteen thousand to supply the increasing needs in man power of a nation of 30,000,000 male workers!

The present immigration law will expire June 30, 1924. The bill just introduced in Congress by the chairman of the House Immigration Committee calls for a reduction in the percentage quota from 3 to 2 per cent based on the nationals in the country in 1890 when the number of these nationals were fewer than in 1910. The chairman of the committee admits that his new measure will still further reduce the number of immigrants. This means, of course, that not even 115,000 will be available during any year after June 30, 1924.

All indications point to an increasing prosperity during the coming year. Increasing prosperity is not possible without increased industrial production, and increased industrial production is not possible without an increased number of workers.

Safeguard the country from undesirable aliens by all means, but also safeguard industry from a serious shortage of labor.

### STATEMENT OF HON. ROBERT H. CLANCY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN.

Hon. Robert H. Clancy, a Representative in Congress from the State of Michigan, submitted a statement, which is printed in full, as follows:

#### THE AMERICANISM OF POLISH-AMERICAN CITIZENS.

The Pulaski Post of the American Legion and reputable representative Polish-American citizens of Detroit have asked me to defend the reputation of Polish-Americans as to their Americanism and acceptance of American thought, spirit, and laws.

The petitioning arises because the Chicago Tribune is charged with publishing a garbled account of a political meeting in Hamtramck, Mich., and following it up with a rather strong-going editorial, condemning all the people of Hamtramck as "an alien-minded community of 60,000 souls, established in one of our greatest industrial cities, and violently resenting the use of the American language and government under American laws."

The Tribune pointed the way to reprisals in the editorial by suggesting "that is a danger which must be understood if the present Congress is to take essential action toward eliminating such danger."

The hint was promptly taken by Congressman W. N. Valle, of Colorado, of the House of Representatives Immigration Committee, who made the articles of the Tribune a part of the record and the basis, so far as possible, of proposed legislation hostile to certain nationalities.

So far as I am concerned the petitioning of the Polish-Americans for fair play and a brief statement of their side of the case does not fall upon deaf ears. I have always been friendly to the Polish-Americans, of whom there are probably 100,000 in my district.

Hamtramck is not in my district.

Prohibition is the prime reason for Hamtramck being dragged into the national limelight, and Hamtramck, like Chicago, is a very wet spot.

Before taking up the cudgels for the Polish-Americans further, I may say that I agree with the general attitude of the Tribune that all actual and potential citizens of this country must become good Americans in thought, word, and deed, and hold no allegiance to any foreign government, foreign institutions, or standard of life. I have also admired always the Tribune as one of the great newspapers of the country, studied it as a model when I took journalism as a course in the University of Michigan, and still claim friendship with one of its managers.

In this spirit of friendliness, I would counsel the Tribune editorial writers to bring their love of country within reasonable bounds, first to get the facts accurately and secondly when the facts are gleaned, not to make the eagle scream too loud when drawing sweeping deductions. The eagle's voice may be temporarily overstrained.

That advice applies particularly when the Tribune crusades at the expense of residents of Detroit and Wayne County. The Tribune does not understand us.

Surely the Tribune does not forget that it called one of our precocious citizens an "anarchist" and an "ignorant idealist" not so long ago and those pleasantries cost the Tribune at least \$300,000 in expenses for lawyers, witnesses, not to mention the 8 cents which said citizen, Henry Ford, got at the hands of the Mount Clemens jury, to swell his meager income.

The Tribune may be as correct about the Polish-Americans as it was about Henry Ford. It is as at least more cautious for no individual Polish-American of Hamtramck is mentioned in the Tribune articles and the law of libel which protected our anarchist and ignorant idealist does not lie when nationalities are inveighed against, although the damage to reputation may be multiplied a millionfold. Surely Chicago should understand the nationality question, and especially the Polish-Americans, and should not draw such broad conclusions as to not only one racial element in this country, but drag in many others in its moment of brain storm.

As a matter of fact, as many nationalities are found in Hamtramck as in Chicago. It is almost purely a manufacturing city. It is even more hostile to prohibition than Chicago, if that be possible. It appears that there are bitter political factions, some wet and others wetter.

I am told the people of Hamtramck do not divide on nationality lines and did not in the public meeting picked up by the *Chicago Tribune*. They resented the sending of the State police into their city, charging that some of the State police were grafters, exacting toll from saloons and blind pigs posing as soft drink parlors.

They charged that the soldiers were violent and tyrannical, as soldiers have often been when quartered upon communities they are disciplining. The graft is a matter of public record. So is the violence. One State policeman shot and killed in cold blood a soft drink proprietor who refused to pay him graft. Another citizen was shot down by a State policeman in plain clothes because he did not stop when ordered to do so. These are a few of the charges.

The citizens called a public protest meeting and a lively time was had by all. Probably a number of things were said that did not look good in print. The eighteenth amendment of the American Constitution was probably inveighed against as forcefully if not so elegantly as the *Chicago Tribune* inveighs against this real test of 100 per cent Americanism.

It is claimed that the justice of the peace was booed not because he spoke in English but because his degree of wetness was questioned. It is claimed that he did not want to speak in defense of the United States judge who had been ordering the padlocking of places in Hamtramck after charges made by those justly celebrated 100 per cent Americans, Izzy Einstein and Moe Smith, but in defense of the Hamtramck council which invited in the State police. Defenders of Hamtramck say the meeting wanted to hear from the council men themselves and not from their emissary. Everybody was for their own brand of law and order.

But suppose it is a heinous offense for anybody in this country to criticize a United States judge. It is respectfully submitted that the *Chicago Tribune* should throw an editorial fit over the violent protests of the people of the State of New York and of the United States when a United States judge threw a prominent New York official into prison for presuming to question said judge's omniscience. Surely said protesters are "a grave menace to American institutions and democratic government," to quote the *Tribune* editorial on Hamtramck. We should all get "het up" about it. Can the alert *Tribune* truthfully say that it never criticized a United States judge? Did it ever take the name of former Federal Judge Kennesaw Mountain Landis in vain?

Was it not a Chicago Federal judge who condoned the speculation of bank funds by underpaid bank clerks? What did the *Tribune* have to say then?

Temperately speaking, the Tribune need not view with alarm the Polish-Americans or other Detroit groups. We are doing the world's work to a degree not

seen in any other community. We have made life easier and happier for all mankind in a most striking degree. We think the world rather appreciates Henry Ford and the Polish-Americans in spite of the Chicago Tribune. Both are improving, as witness Henry Ford becoming a Republican and agreeing with the Tribune in political matters; and the Polish-Americans of my district are evincing a sense of deep anxiety over the power and influence of Tribune editorials.

If the Tribune carefully scans the record of Poles and Polish-Americans in the United States and Europe, surely it can be more kindly towards this noble, generous, warlike, unfortunate race. The Pulaski American Legion Post solicited my aid.

The Tribune will recall that Pulaski died at Savannah during the Revolutionary War that Americanism might be born.

Detroit sent thousands of Polish-Americans to the Great War. None excelled them in patriotism. Wayne County, in which Detroit and Hamtramck are situated, shows a roll of honor of 874 dead. Of these heroes, 145 bear Polish names and undoubtedly there were other Poles of the 874 whose names did not betray their nationality. The Polar Bears, who played a heroic part around Archangel in the desperate expedition which tried men's souls during the World War and after the armistice, were very largely Polish-Americans, and from Detroit, too.

Kosciuszko, who planned the defenses of West Point and gave aid and comfort to Washington, was a Pole. Niemcewicz, who wrote the first biography of Washington, was a friend of the First American.

The Poles, under John Sobieski, drove back the barbarous Turks when they threatened European civilization and Poland has been during recent centuries the buffer state of Europe, repeatedly protecting with its blood and treasure the more fortunate peoples of farther west.

If not entitled to charitable judgment, the Polish-Americans are at least entitled to justice.

The most rampant advocates of 100 per cent Americanism, as taught to-day and which materially differs from real Americanism, or Jeffersonian Americanism, get their inspiration from the Ku-Klux propaganda of the South. The fathers of these propagandists were distinctly irritated from 1861 to 1865 by General Sigel's brigade of German-Americans who took their commands in battle in the German language. They were also somewhat nettled by the Irish-Americans of the Sixty-ninth New York and other regiments who spoke an outlandish brogue and fought the would-be destroyers of the United States with the utmost fury. These Irish piled up their "alien" dead at the foot of St. Marys Heights at the battle of Fredericksburg with a desperate heroism which has never been surpassed in the world's history.

The American flag is the particular property of the Ku-Klux now. The only American flags which my mother's father saw the Ku-Kluxers in the Civil War carrying were those they shot out of the hands of Americans like her father, who had left six small children in Detroit to put down that brand of Americanism. Her little brother, 14 years old, who plodded off to the battle fields to be a drummer boy and was put at the ignominious job of driving Army mules because he was too small to carry a drum, also reported that the Ku-Kluxers were not so keen about the American flag in those days. They were waving another flag at Antietam and Gettysburg.

The Polish-Americans of my district writhe under the charge of being "hyphenates." My people were all hyphenates—English-Americans, German-Americans, Irish-Americans. They began to come in the first ship or so after the *Mayflower*. But they did not come too early to witness the charge of anti-Americanism. Roger Williams was driven out of the Puritan colony of Salem to die in the wilderness because he objected "violently" to blue laws and the burning or hanging of rheumatic old women on witchcraft charges. He would not "assimilate" and was "a grave menace to American institutions and democratic government."

My family put 11 men and boys into the Revolutionary War, and I am sure they and their women and children did not fight to establish the autocracy of bigotry and intolerance which exists in many quarters to-day in this country. Some of these men and boys shed their blood and left their bodies to rot on American battle fields. To me it is almost literally true that real Americanism

and the American flag is the product of the blood of men and of the tears of women and children of a different type than the rampant "Americanizers" of to-day.

I would advise the editorial writers of the Chicago Tribune to study anew the life and teachings of the humble carpenter of Galilee, who first taught a religion for all mankind. Then study the life and teachings of Thomas Jefferson on Americanism. Then contemplate the Polish-Americans of Detroit and Hamtramck—and Henry Ford.

(Thereupon, at 11 o'clock, the committee adjourned and went into executive session.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
HOUSE OF REPRESENTATIVES.

*Washington, Saturday, January 19, 1924.*

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. Since the last meeting a number of communications have been sent to the chairman for the use of the committee in the record. Among others is a letter from Francis H. Kinnicutt, who was before the committee recently, and who was asked to secure and present some statements as to how many of the approximately fourteen million foreign born in the United States have husbands, wives, and minor children in foreign countries at this time. He writes that he is unable to secure satisfactory figures but he thinks the number will be very large. He discusses the matter of adopted children. He sends a statement from R. M. Bradley, of Boston, on the selection of relatives of those already here. This letter deals with the problem which lies in the separation of families through restricted immigration. Without objection these two will be placed in the record.

(The letters referred to are as follows:)

IMMIGRATION RESTRICTION LEAGUE (INC.),  
*New York City, January 15, 1924.*

HON. ALBERT JOHNSON,  
*Chairman Committee on Immigration and Naturalization,  
House of Representatives, Washington, D. C.*

DEAR SIR: I received recently from Mr. Richards M. Bradley, a well-known authority on immigration, and a member of the Immigration Restriction League, of Boston, a memorandum in regard to the problem of admitting relatives of immigrants, under restrictive legislation. I inclose, herewith, a copy of same.

As I stated before your committee last week, I believe that persons who have become United States citizens are fairly entitled to consideration, with respect to the admission of near relatives. Even to this, however, I think there are obvious limits. An important question, statistically, is how many of the 14,000,000 foreign born in the United States at the present time, have husbands, wives, and minor children in foreign countries to-day. I have not the figures myself, and doubt if I can obtain them. Possibly the Bureau of Immigration would be able to throw some light on the subject. Two questions suggest themselves in connection with this subject in the pending bill. If the quotas for the "newer immigration" are very much reduced in the law which is finally enacted, as seems highly probable, there will be a tremendous pressure from certain countries to take advantage of any way of getting into the United States, legal or illegal. There will be a great inducement for instance, for fraudulent statements with regard to marriage, on the part of many who have obtained citizenship papers, in order to get men and women into the country who could not get there otherwise. It must be remembered that there are probably several million foreign born women in the country who are citizens only by reason of their marriage to citizens, and it is to be feared that

among this class there may be a considerable number whose respect for American law will not restrain them from claiming husbands or children still in Europe, where the fact is otherwise, particularly where pressure is brought to bear upon these women by concerted efforts of people of their own respective races. For these reasons, the proof of marriage and parentage to put a person in a nonquota class as the relative of a United States citizen, should be extremely strict. Marriage certificates and birth certificates both should be required in the application.

Another point with references to children. I noted in the New York press the other day the statement that 13 foreign-born children, who had been shipped to the United States without coming within the quotas of their country of birth, had claimed admission on the ground that they were adopted children of United States citizens. The case came up in court, and the decision as reported in the paper was that they were refused admission on the ground that the papers proving the fact of adoption were not executed properly, and the newspaper report indicated that if this had been otherwise, and the papers had been in proper form, the decision would have been different. This opens up a very important point. It should be specifically stated in the act with regard to such privileges as may be given to United States citizens to bring in their minor children, that this does not extend to adopted children. Otherwise, the door will be wide open for the admission of unlimited numbers of so-called adopted children, who, in most cases would be adopted merely for the purpose of evading the law. The actual cases of bona fide adoptions of children living abroad by United States citizens here are undoubtedly very small. Under the New York law, adopted children have for many purposes the same rights as actual legitimate children, and doubtless this is so in many States. Therefore the point is not academic but a highly practical one. I inclose herewith the clipping from the New York Herald, of January 4, 1924, giving the court decision as to the orphans referred to above. I trust that you will consider this point with your colleagues on the committee and will give it the attention which I think it deserves.

Yours very truly,

FRANCIS H. KINNICUTT.

#### SELECTION OF RELATIVES OF THOSE ALREADY HERE.

Another problem lies in the separation of families through restriction. The uniting of families under our flag appeals to us and the coming legislation is likely to give a certain amount of preference to relatives of those already here. It is probable that the greatest danger to effective restriction lies in this desire on our part to unite families, combined with the great pressure that exists to the same end among our recent arrivals.

Yet the omission of a single word in an entirely innocent looking provision to admit relatives may be sufficient to let in pretty nearly the entire Near East. Plenty of measures will be introduced providing that fathers, mothers, wives, husbands, and children of persons who have been legally admitted to the United States, or who have been naturalized, shall be admitted outside the quota. This sounds very harmless, but a few minutes' reflection will show that the old father and mother, admitted to be cared for in their old age, may have 10 other sons and daughters desiring admission. These persons, admitted as their children, will probably have wives and husbands who can be admitted as such. These wives and husbands will later call for their own parents. Said parents will also have numerous children, with wives and husbands, etc. The endless chain is started. Any provision of this kind would entirely destroy the effectiveness of the best measure that can be framed.

Various expedients to remedy this have been suggested. One is that relatives only of those naturalized should be admitted. This undoubtedly slows up the process of admission while waiting for naturalization, but it involves a thoroughly vicious principle, namely, forcing the naturalization of people who do not undertake to be naturalized for the purpose of exercising the functions of American citizenship, but become naturalized for entirely different reasons. We certainly already have enough persons of foreign birth equipped with the ballot for reasons not identical with our own public interest. Already too many are openly being urged to naturalize themselves for patriotic reasons connected with Italy or some other country, or in order to help various local politicians, who make promises pleasing to alien interests. Too add to this tendency and to this danger is both unwise and unnecessary.

Part of the problem can be answered by providing for the admission of parents and minor children of those already resident in the United States on the 1st of January, 1924, or some other fixed date. This would effectively cut off the endless chain from that source, since those admitted could not extend the same privilege to other relatives; but it is probable that, in addition to this, there should be a liberal outside numerical limit to all such admissions. The reason for this is that, without this numerical limit, there is no motive given to those who really know the various relationships to stop fraudulent admissions of bogus relatives. On the other hand, if there were a reasonable limit put to such admissions, every person of foreign birth, whose real relatives' needs are threatened with exclusion, by fraudulent additions to the list of admitted relatives, will be a source of information to the Government.

The admission of wives and husbands outside of the quota limit presents another difficulty, as experience has shown.

When marriage to an American citizen gave a woman American citizenship, and consequently gave her the right to enter, women were frequently married for the purpose of admission and the marriage was then ended. The divorce process among certain races is very simple and informal, and legal divorce in America is not very difficult. With a numerical limit, accompanied by the admission of wives or husbands outside the quota, such marriages for the purpose of admission would inevitably result. It would probably be better to put wives and husbands in a preferential position inside of a regular quota limit, than to leave the door open for an indefinite amount of admission through marriage.

There is every indication that provision for the admission of relatives is thought to be the most hopeful line of work for those who desire to open the flood gates. Such provisions, therefore, require most careful watching.

The War Department, through the Secretary of War, sends a letter, referring to the bills—H. R. 5, H. R. 101, and H. R. 561—and calls attention to general definitions, particularly that in case of the Canal Zone, wherein the definition states that "consular officer" means an officer designated by the President for the purpose of issuing immigration certificates. The Secretary suggests that words should be inserted so that it would read, consular officer means an officer designated by the President, or by his authority.

Without objection that letter will be placed in the record. (The letter referred to is as follows:)

WAR DEPARTMENT,  
Washington, January, 17, 1924.

THE CHAIRMAN COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
House of Representatives, Washington, D. C.

DEAR SIR: I beg to refer to the bills (H. R. 5, 101, and 561), to limit the immigration of aliens into the United States, now pending before your committee, which provide, under "General definitions," that "In case of the Canal Zone and the insular possessions of the United States the term 'consular officer' means an officer designated by the President for the purpose of issuing immigration certificates under this act."

The Washington office of the Panama Canal has just received a letter from the Governor of the Panama Canal regarding these bills in which he states that it is believed desirable to add to whichever of these bills your committee decides to report the words "or by his authority" after the word "President" in the extract quoted above, so that the sentence will then read "In case of the Canal Zone and the insular possessions of the United States the term 'consular officer' means an officer designated by the President, or by his authority, for the purpose of issuing immigration certificates under this act."

The governor advises that the district attorney of the Canal Zone, who is the governor's legal adviser, is of the opinion that the insertion of this clause will insure certainty of interpretation with respect to the Canal Zone in the event this legislation is passed by Congress and approved by the President.

I approve of the governor's suggestion and recommend that it be given favorable consideration by your committee.

Sincerely yours,

JOHN W. WEEKS,  
Secretary of War.



Rev. E. W. McDowell, who appeared before the committee the other day in behalf of the admission of a larger quota of Assyrians, has sent a five-page typewritten statement, in which he presents his statement more carefully than he did in the brief time allowed him then. Without objection, it will be placed in the record.

(The statement referred to is as follows:)

NEW YORK CITY, January 11, 1924.

HON. ALBERT JOHNSON,  
Chairman of the House Committee on Immigration,  
Washington, D. C.

DEAR SIR: A few days since through your courtesy Mrs. McDowell and I were given the privilege of a hearing before your committee re bill H. R. 101, cited as "Selective Immigration act of 1924."

We spoke in behalf of a small group of people called Assyrians, who are laboring under very special difficulties and who have very strong claims upon the American people for special treatment. The time we were permitted to speak was necessarily short and somewhat broken by questions, so that we have felt we scarcely did justice to the cause of our friends. For this reason we beg your indulgence while we put down in black and white the few points we tried to make before the committee.

#### THE ASSYRIANS.

**Their home:** Two groups, one group from time immemorial have had their home in the wildest part of the mountains of Kurdistan lying on the Turkish side of the Turko-Persian border—hence subjects of Turkey—and along a line of latitude drawn from the city of Mosul on the Tigris River northeast to the border opposite the city of Urumia in Persia. The other group of the same people dwelling equally long on the Persian side of the border and hence Persian subjects.

**Their race:** They are not Asiatics in the common use of that term. They have no affinity whatever with Japanese, Chinese, Hindus, or Turks. In language they are Assyrians, speaking the modern form of the language used by our Savior when on earth, which was the Aramaic.

**Their history:** None more honorable among the nations. Their fathers received the Christian religion at the hands of the apostles themselves in the first century; planted churches and schools all up and down the plains of Mesopotamia; were the first to translate the scriptures into a language other than Hebrew and Greek—the famous Peshitto version of the Bible; they multiplied the scriptures by thousands and made it possible for the ordinary people to possess and read them; they wrote famous commentaries on the Bible, some of which have been handed down to the present generation; they carried the Gospel all over Asia—Kurdistan, where the people are still worshipping in sanctuaries erected in the early centuries; Persia, where amid frightful persecutions they won hundreds of thousands to Christianity; India, 2,000,000 of followers as early as the eighth century; of these followers won from heathenism in those early centuries some 200,000 remain to this day true to the faith.

Their missionaries pressed on into Tibet where they left their mark upon the ritual of the Tibetans; and then on into China, where they established the Christian church in testimony to which there stands to this day in the very heart of China a stone monument preserved these many centuries by the Chinese Government. Engraved on this stone in ancient Chinese and ancient Syriac are the names of the first Chinese bishops and the leading doctrines of the Christian faith. And the date on that stone is 781 A. D. Within eight centuries these people, without a supporting board and without the backing of a Christian government, had spread the Gospel all the way from Jerusalem to India and China; from the Mediterranean to the Pacific Ocean. In the eighth century Asia was as fully in the way of evangelization as was Europe at the same period.

Then followed the sad chapter of the decline and fall of the Church of the East; before the sword of Mahomet and Tamurlaine and Jenghis Khan this great church was all but exterminated. Among the remnants left was this small flock of Assyrians who found a refuge in the almost inaccessible valleys of central Kurdistan, where for a thousand years in spite of the severest per-

secutions and oppressions by their Moslem rulers they have held fast to the faith of Christ.

Their character: Dwelling in wild mountain fastnesses for centuries, compelled to wring a living from the rocks; subject to continual assaults from their Moslem neighbors who have outnumbered them 5 to 1, they naturally became a wild, rough people, resembling very much the Scotch Highlanders as they were 200 years ago; hardy, freedom loving, every ready to fight for their rights, and passionately devoted to their religion.

All these centuries by their bravery and by reason of their inaccessible position they have maintained a semi-independence of Turk and Kurd—did so until the great World War, when they sacrificed that independence and lost all they possessed with the lives of half their population, because of their loyalty to the cause of the Allies.

Because of their centuries of adherence to the Christian faith they have been kept separate from the Asiatics about them and have breathed in and been nourished by those principles taught in the Holy Scriptures which have ever been the fountain source of sane liberty and good government. Because of this they have a close affinity to the people of the West.

They are frugal, industrious, and aspiring. They are ambitious for education and for rising in the world. They have many influential friends among the public men of this country, who can testify as to the quality of the citizenship of the six or ten thousand who have come to this country and as to their patriotism during the war. The second generation of these people are as truly American as though their ancestors had come over in the *Mayflower*. They repudiate any foreign origin or connection. This for one reason because their fathers have known the eastern governments only as oppressors. There is nothing in the past to look back to or to claim them; their vision is of the future.

What is asked for them: It is asked in their behalf that in fixing the quota of these people, under the new law, that they be reclassified—if possible, be made a separate immigration unit, so that their already very small quota may not be further reduced.

#### REASONS URGED FOR THIS SPECIAL CLASSIFICATION.

1. They are in themselves a distinct unit. They have been such from the beginning of the Christian era. It would be a gross injustice to classify them as "Other Asiatics." Through their firm adherence to the Christian faith throughout the ages they have kept their blood pure from intermixture with the Asiatic races. It has always been an exceedingly rare thing for one of them to intermarry with any of the Moslem races.

As has already been said, they have courageously maintained a semi-independence of Turks and Kurds, by whom they have been recognized as a separate political entity. Their patriarch has always been recognized as also their political head. The people paid their taxes not to Turkish tax collectors but to their patriarch, who paid a certain lump sum to the Sultan as to a suzerain. The patriarch ruled over his own people, trying all judicatory cases and punishing the guilty.

The Turkish Government at the beginning of the recent war recognized their political entity by sending to their patriarch and offering him large inducements to enter the war on the side of Germany, which offers by a unanimous vote were rejected by patriarch and people.

Their political entity was again recognized when the Allies at that same time sought his adherence to their cause, which adherence was heartily granted by that same unanimous vote. And let it be said here that these hearty mountaineers were organized into an army and rendered splendid service in holding the Turko-Persian border against the Turks and Germans.

To-day they are again a separate political unit in that they as a body have been thrust out of their own country—theirs for near 2,000 years—and are now an exiled people in toto, and that was the price they paid to perpetuate democracy in the earth.

It is illogical or presumptuous that they should ask to be regarded as separate political entity in the fixing of the quotas?

2. Their past history, their great achievements, their present character, together with the sacred bonds of a common faith in God and Christ, all plead their fitness to become fellow heirs with us in a freedom they have always loved and for which they have not hesitated to lay down their lives.

3. The most elemental human justice pleads, righteously claims, that they be not placed in the same class with those who were enemies both of the allied cause and of these people who espoused it and who because of their adherence to that cause slaughtered them and drove them out of their country into an exile which promises to be perpetual.

Justice again speaks when it is remembered that the Allies through their special agents made solemn promise to these people and their patriarch that in the event of an ally victory they would be forever freed from the Turk; that they would be established in their own country as an autonomous people, an independent political unit.

4. At present, because of their situation as refugees and because of our law of exclusion, there are several thousand women and children living in abject poverty whose men folks are in this country; wives separated from their husbands, children separated from their parents. The present quota allows them only about 78 immigrant certificates a year. A 2 per cent rate based on the census of 1890 will still further reduce that pitiable figure. If they are classified—lumped together with "Other Asiatic" nationalities—they will receive but small advantage from the blanket quota of 200.

If as an act of justice and mercy they are classified as a separate immigration unit the blanket quota of 200 yearly will so accrue to their advantage that in the space of a few years these many disunited families will be united in prosperous American homes.

It is expected that a small delegation of these people will in the very near future ask that they be given the privilege of a hearing in their own behalf before your committee. From an acquaintanceship with this people covering 36 years, I have come to love them as my own children. At the age of 67 I am now about to return to devote the remainder of my life to the blinding up of their wounds and to do what I can, my wife and I, to find some spot that they can call their own, where with none to molest or cause them to fear, they will be able to earn their own bread by the sweat of their brows.

May I ask that your committee grant this delegation when they come to plead their own cause, a patient and sympathetic hearing?

Very respectfully submitted.

E. W. McDOWELL.

I think at this time it might be well to place in the record, so that we will not lose it, the suggestion which has been made from official sources that the exempted classes mentioned in H. R. 101, now under consideration, be enlarged as follows:

(5) Aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration.

The chairman received a short time ago a letter in Italian with the suggestion that the committee send it to the Library of Congress for translation. The translation is reported from the Library as follows:

[Translation.]

BROOKLYN, January 8, 1924.

GENTLEMEN: In the name of humanity and the great charity of this wonderful Nation, remember that there are thousands of immigrants who have wives and children in Europe, and those poor people may always be held back at the convenience of the respective nations. This is an inhuman act of malevolent people. Even Italy uses this method. We want our wives here and our children, the children to attend school, who may some day become good and loyal American citizens. Far from their father they grow up as bad children. We confidently expect justice from you gentlemen in this respect, and that, as always, the United States will be the Nation of justice and charity.

Very respectfully,

A POOR FATHER OF A FAMILY.

I have here also a letter addressed to the chairman from R. J. Caldwell, 15 Park Row, New York City, in reference to the proposition in Secretary Davis's communication that quota restrictions be

placed on the Canadian and Mexican borders, Mr. Caldwell expressing opposition to that proposal.

(The letter referred to is as follows:)

NEW YORK, January 14, 1924.

SIR: In respect to Secretary Davis's proposal that the immigration restrictions be put into effect on the Canadian and Mexican borders, I beg to point out the ineffectiveness of any such restriction for the purpose intended. Under the present law, as I understand it, those who come in surreptitiously are doing so contrary to law, and whatever facilities the Labor Department has for apprehending them would have to be continued in the new law as under the present arrangement. The difficulty is not with the law but with the Labor Department's inability to enforce it against undesirables.

To apply the quota restrictions to friendly neighbors like the Canadians would be a grievous error, and would merely serve as an annoyance to desirable Canadians undertaking the accepted means of crossing the border by train or automobile, and would lead to reprisals on the part of Canadians against Americans. I have extensive interests in Canada and was greatly relieved in the elimination recently of the restrictions put into force during the war upon travelers crossing the Canadian borders. I have been awakened in my berth at all hours of the night by some absurd inspector who saw fit to exercise his privilege of interrogating me. I know cases where responsible people have been put off the train. We want friendly relations with Canada and nothing should be done certainly that would create friction.

All the restrictions that could be imposed upon legitimate travelers would serve only to annoy them and would not serve in restricting the activities of those who cross contrary to law. The remedy lies in better police enforcement of the present law and not in introducing objectionable new features of law.

As for the Mexican border, I have in the past had extensive interests in Arizona, where without the Mexican labor available, it would have been impossible to have harvested our crops. Practically, although in a different sense, what I said above concerning the Canadian border applies to the Mexican border, although the problem is different for the Mexicans are very different people. Nevertheless, the industries along the border are largely built up on the expectation of utilizing Mexican labor, and trouble will ensue instantly upon any restriction placed upon it which causes hardship to American employers of it.

Faithfully yours,

R. J. CALDWELL.

CHAIRMAN IMMIGRATION COMMITTEE,  
*United States House of Representatives, Washington, D. C.*

P. S.—You may be interested in the attached copy of a letter I have written to the Church Peace Union further on the subject of immigration as it applies to Europe.

DECEMBER 3, 1923.

DEAR DOCTOR ATKINSON: Thank you for your letter of the 30th, and I should be very happy to attend the luncheon on December 17 at the Yale Club to discuss immigration. This is a subject I am intensely interested in. I was a member of the National Republican Club immigration committee in the last presidential campaign.

A feature of this which should command attention is that the Bureau of Immigration is located in the Department of Labor, the secretary of which is invariably a labor man. Moreover, Mr. Gompers's son is a permanent attaché of the Department of Labor, regardless of whether the Republican or the Democratic Party is in power, and he scrutinizes everything that transpires in that department. The American Federation of Labor should not be both judge and jury on so important an economic subject affecting the welfare of the entire country, wherefore it is obvious this bureau should be relocated and not, I think, in the Department of State, for that department is pervaded by too much of a foreign atmosphere; nor in the Department of Commerce, for that department I think is generally accepted as representing the interests of capital, as the Department of Labor does of labor, wherefore it would seem to me the Department of the Interior is the logical place to lodge the Bureau of Immigration.

Again, for the purpose of admission of any member of a family into this country it should first be established that a visé of the United States Govern-

ment is based on honor and a sense of obligation to second and third class passengers as well as to first-class passengers, which is the case now. When anyone abroad sells out all his belongings and perhaps at a considerable sacrifice, assuming that having secured a United States visé he is safe in taking such a radical step, he should not be without protection by this Government, whose visé he accepts in good faith, but the entire question of his admission should be determined when his visé is issued abroad and no question should arise upon his arrival here in respect to admission.

Moreover, the determination of the country of origin under which he or any of the members of his family is classified should be governed by the interest of the immigrant and his or her family. It has been proposed that in the forthcoming new law to avoid separation of families all the members shall take the nationality of the father, but it is not possible to foresee what complications may arise in so intricate a question. Therefore the new law should provide that all the members of the family come into the quota of the father or the mother or the members themselves according to country of birth, whichever best serves the welfare of the family. Anything else is inhumane and unworthy of this great Nation.

The present custom requires that the applicant shall apply in person to the American consul located in his country. I made a careful investigation of the result of this in Europe this year and was appalled at the tragedy which this seemingly simple and just clause entails.

I will take Austria as an unusual case, because if there are worse ones I do not know of them, but certainly that of Austria is bad enough. We have one consul in all Austria and as he is located in Vienna, from all parts of the country these poor people, laboring under the trying circumstances of the badly depreciated currency, have to travel to Vienna and await the pleasure of the consul, sometimes being obliged to return to their homes and make a second trip later if the quota for Austria has been exhausted so far ahead as the consul sees fit to issue visés, and he commonly does not issue them more than 60 days in advance. Yet the intending immigrant has no means of knowing this until he arrives in Vienna and learns of his sad predicament. It is a matter of consequence to people in the financial circumstances these people commonly are to have to take a journey to Vienna, and doubly so when obliged to remain there for some time, for the cost of living in Vienna is much higher than in the Provinces. Moreover, in order to be absent from his work for this length of time he frequently loses his job, and in a country where there is so much unemployment as there is in Europe, this in itself is a tragedy.

This would be obviated by having all applications made by mail to the consul and having traveling inspectors go out from the consulate on regular rounds and notify, before undertaking such a trip, all applicants, advising them where they can meet the consular agent at a given place and time reasonably near the applicant's home address. We have not given thought enough to this subject so involved with human tragedy. We have been very careless in making rules in Washington the effects of which spread through every country, affecting hundreds of thousands of people and visiting unnecessary and terrible hardships upon them.

Aside from the humanitarian aspect of this tragic situation, this is not the way for this Government to take the first step toward making good friends of the strangers coming to us. If we show so little concern for their welfare, is it reasonable to expect that they will be impressed with any great obligation to be grateful toward us.

Faithfully yours,

R. J. CALDWELL.

DR. HENRY A. ATKINSON,  
70 Fifth Avenue, New York City.

I have a statement from the Ukrainian Democratic Club, 59 St. Marks Place, New York City, in opposition to the quota based on 2 per cent of the census of 1890. I have also a statement of a gentleman from Seattle, confirming statements made in letters which have been placed in the record, embodying those statements in the form of resolutions with regard to the provisions of the Chinese exclusion law. Without objection, these will be placed in the record.

(The statements referred to are as follows:)

UKRAINIAN DEMOCRATIC CLUB (INC.),

New York, N. Y., January 17, 1924.

The CHAIRMAN HOUSE IMMIGRATION COMMITTEE,

Congress of the United States, Washington, D. C.

HONORABLE SIR: We, the members of the Ukrainian Democratic Club (Inc.), of New York City, citizens of the United States of America of Ukrainian descent, having immigrated from eastern Galicia, which was formerly a part of Austrian Empire and now is under the Polish occupation, do hereby voice our protest against the proposed bill of Congressman Johnson reducing the immigration quota to 2 per cent based on the census of 1890, for the following reasons:

1. In 1890 the number of Ukrainian immigrants in United States from eastern Galicia was very small, which means that under the proposed law practically none would be admitted in the future.

2. Due to the fact that eastern Galicia, with its 4,000,000 of people, formerly a separate unit with separate quota allotment, was recently given to Poland against the wishes of the Ukrainian people who compose 75 per cent of its population, which virtually means that its present immigrant quota would merge in that of Poland, thereby causing a great injustice to the Ukrainians.

We, therefore, pray that our case may be given consideration, and that the east Gallician immigrant quota be allowed to remain, as heretofore, separate and distinct from that of Poland, and that in any event that the American consuls in Poland be instructed to apportion the Polish quota so as to give the Ukrainians, who in eastern Galicia and other Ukrainian territories annexed to Poland, number over 7,000,000, a part in proportion to their population.

Very truly yours,

WILLIAM F. WAGNER, *Chairman.*

MICHAEL RODYK, *Secretary.*

CHINA CLUB OF SEATTLE.

Seattle, Wash., January 9, 1924.

Congressman ALBERT JOHNSON,

House of Representatives, Washington, D. C.

DEAR MR. JOHNSON: I am inclosing herewith resolutions drawn up by the committee and indorsed by the China Club of Seattle in regard to legislation by the present Congress effecting Chinese immigrants. I think they are self-explanatory and need no further elucidation on my part:

Whereas Chinese Immigration into the United States is now and for 40 years last past has been well regulated under the provisions of the laws known as the Chinese exclusion laws, and treaties between this country and China on the subject of immigration; and

Whereas under these laws, Chinese immigration is now on a satisfactory basis for the following reasons among others: (1) Said laws are of settled construction and interpretation by the department and the courts; (2) the admissions thereunder are limited to privileged classes and we get no radicals or undesirables from China; (3) the annual net admissions thereunder are of such limited number that the Chinese population of this country is decreasing; and

Whereas the question of immigration is an embarrassing one at best with any foreign country, and its settlement on so satisfactory a basis as now exists between this country and China should not be disturbed; Therefore, be it

*Resolved*, That it is the recommendation and belief of this club that our immigration from China should be regulated and governed solely under the present laws known as the Chinese exclusion laws, and that any enactment of the present Congress on the subject of immigration should include the provision contained in the present quota law to the effect that such enactment on the subject of immigration shall not apply to aliens from countries immigration from which is regulated in accordance with treaties or laws relating solely to immigration.

Here is a special survey of 44 States, showing present employment conditions of the country in large industries and agriculture and the general prospects for 1924, prepared by the United States Employment Service of the Department of Labor.

Mr. Box. If that could be boiled down, a digest made of it, it would be more enlightening. I am afraid the kernel in such a mass of material will be lost otherwise.

The CHAIRMAN. If there is no objection, it will be placed in the record.

(The survey referred to is as follows:)

**SPECIAL SURVEY SHOWING PRESENT EMPLOYMENT CONDITIONS AND PROSPECTS FOR 1924.**

*Alabama.*—The industrial employment situation for this period of the year is considered good, except for the continued lack of activity noted in the coal regions, and the present outlook for which industry for the next year is not very encouraging. There is a plentiful supply of labor, particularly unskilled, and no extraordinary demand for skilled labor is expected in the immediate future, though indications are that 1924 will be as good an industrial year with the supply and demand for all classes of labor as well balanced, if not better, than during 1923.

*Arizona.*—The demand and supply of all classes of labor throughout this State is very well balanced for this time of the year, and industrial activity continues with very few signs of abatement. Operations in the mining regions, lumber mills, and in the railroad centers are brisk, and an optimistic outlook prevails for 1924. State road construction has been retarded temporarily. When the weather permits and funds become available, the different counties will do considerable road building and employ large numbers of all classes of labor. The past year has been a very prosperous one for the farmers, and it is thought that much more land will be under cultivation next year than heretofore.

*Arkansas.*—There is some unemployment apparent throughout Arkansas at the present time, due largely to the shortage of the crops, which has brought hundreds of farm hands to the cities, where their services were offered to the manufacturers and home-building enterprises. The number of unemployed has been augmented recently by bad weather, which has delayed road construction and other public work, but a large portion of this excess labor is already absorbed and there is every indication that there will be a decrease in unemployment during the next 60 days or before March 1, 1924, at which time the speeding up of industrial activity will call for an increase in the number of workers needed. The industrial and employment outlook for 1924 is very bright. A large home-building program in all probability will start in January; the new highway law goes into effect within a few weeks, which will mean the construction of roads in practically every county in Arkansas; and with a fair demand for farm labor for the planting of next year's crops, it is believed that there will be sufficient employment to absorb practically all the unemployed.

*California.*—Industrial employment prospects for the coming year are very favorable. There has been no perceptible let up in industry throughout the State other than the usual winter slump. Building construction has continued on a tremendous scale, and it is generally asserted that 1924 will be a year of unusual activity in this line. It is estimated that over \$15,000,000 will be spent in 1924 on new highway construction, which is slightly in excess of expenditures during 1923. Generally speaking the year just closing has been one of prosperity for the California farmers, and it is expected that this prosperity will extend into the coming year. Concerning mining interests, extensive preparations already are being made for a large production in 1924. Judging by present indications there will be in 1924 the same active demand for labor as there has been in 1923, with an increased call for unskilled help.

*Connecticut.*—Industrial activity in this State is considered in a healthy condition with very little unemployment noticeable. The opinion is expressed that industrial prospects for 1924 are equal, if not better, than those of 1923. While the textile industry at the present time shows some curtailment, there is no reason to believe otherwise than that the early spring months will show this activity on a nearly normal basis. The builders continue well employed, though the winter weather has somewhat slackened operations; however, projects contemplated for the new year, when started, will absorb the available supply of these craftsmen. State road work now

seasonally curtailed will be resumed as soon as weather permits, and afford employment to large numbers of unskilled and skilled labor. The demand for all classes of labor is expected to be fully as great as during the past year.

*Colorado*.—While the usual winter surplus of seasonal workers now exists, indications point to a shortage of labor during the building and agricultural periods of 1924. Industrial activity continues on a large scale, and there is every indication of an expansion in many lines of industry during the next year, with a resultant increased demand for skilled and unskilled labor over 1923. These predicted expansions are particularly noticeable in agricultural pursuits, power, irrigation, drainage systems, and other construction projects, and in the gas and oil fields. Municipal improvements and highway construction amounting to millions of dollars will be continued, and considerable new work started during 1924. There is at the present time some curtailment in employment in the metal mines. It is expected that this industry will show increased activity, with metal miners in strong demand. Employment in the coal mines has increased somewhat during the past few weeks, and an optimistic outlook for the future prevails in this industry. Steel mills are particularly active and should continue, and it is thought that railroad shops, though seasonally curtailed at present, will be actively engaged on an increased hour and employment basis within a few months.

*District of Columbia*.—Employment conditions of Washington are considered on a satisfactory basis, though at the present time there is a surplus of clerical help. The large building program shows some signs of curtailment, expected for some time, though there is little unemployment noted among these craftsmen. The demand for domestics continues about equal to the supply, which is also the case where common labor is concerned—a rather unusual circumstance at this period of the year. An optimistic outlook prevails for 1924. Although it is indicated that there will be a smaller building program, if this proves a fact it will not materially affect the employment of these tradesmen and allied crafts, and there is no let-up expected in the call for unskilled labor.

*Florida*.—The labor employment situation in this State is considered excellent for this period of the year, there being very little unemployment apparent in any section. The harvesting of citrus fruits is in full swing and reports indicate a shortage of this class of labor, also of general farm help and of certain building tradesmen. However, it is thought transient labor arriving for the winter months will take care of the demand for skilled mechanics. The outlook for the ensuing year is very good, and it is generally accepted that the demand for all classes of skilled labor will be greater during 1924 than was the case in 1923. Common labor will be fully employed on large projects already under way and those to be started in the new year, and on work connected with the road-building program.

*Georgia*.—At the present time there is some unemployment apparent throughout this State. This is due, however, to the seasonal curtailment of many activities. The outlook for 1924, from an industrial and employment point of view, is good. The building program will not be as large as during the past year, but it is thought that there will be a sufficient amount of work started to employ the supply of these tradesmen. Large numbers of various classes of skilled and unskilled labor will be employed on road construction, which will be continued on a large scale. The farmers throughout the State had a good year, still it is difficult at the present time to state whether or not there will be an increase or decrease in sown acreage for 1924. Farm labor is still scarce, there being a greater demand than supply. There was considerable employment afforded in various mining fields of this State during the past year and indications are that there will be an increase during 1924, which will, of course, stimulate employment in these regions.

*Idaho*.—Very little unemployment is apparent at the present time, and industrial activity in this State continues with very little abatement, other than that seasonal noted. There is no let up expected in industrial activity for 1924, and the demand for both skilled and unskilled labor, it is thought, will be about equal to that experienced in 1923. Building and other construction projects will continue, and in the larger cities will probably increase in volume, especially railroad improvements, which includes shop work, steel bridges, and new trackage. The supply of common labor available in the State will be quite able to take care of the continuation of work connected with the good roads program. It is predicted that the metal mining industry, at present in an excellent condition, will expand operations in 1924. In this industry there will be as great,



if not a greater, demand for skilled and unskilled labor, particularly of skilled miners, of whom there appears to be a decided shortage at present.

**Illinois.**—There are no indications of any industrial let up other than is usually encountered at this time of the year, and strictly chargeable to seasonal work. The only lines that are apparently adversely affected are steel and agricultural implements. Building construction continues, and the program throughout Illinois was unusually large in 1923. A survey of the entire State indicates that there will be as much, if not more, activity in this line during 1924 than in the past year. More hard roads were built in Illinois during 1923 than in any period, and the program for the new year is larger still. The farmers had a fairly prosperous year and are optimistic as to the prospects for 1924. The coal-mining situation is improving, and it is anticipated that there will be a marked increase in the number of men employed within a few months. Generally speaking, every indication points to as large, if not a larger, demand for skilled and unskilled labor in 1924 as compared to 1923. However, there was probably a larger number unemployed in Illinois in December, 1923, than in the corresponding month in 1922. This is not due to industrial depression, but entirely accounted for by the large influx of people from other States, especially the fact that in excess of 100,000 colored citizens of the South have moved into Illinois.

**Iowa.**—During the past month there has been a very sudden curtailment in numerous industries due to unusual weather conditions, which has resulted in a surplus in some sections of common labor. State road construction, municipal work, and building activities were also forced to slacken operations, and those released, of course, increased the number unemployed. However, from every angle, the industrial outlook for 1924 is considered excellent. Municipal and county improvement, which have been delayed for the past few years, will undoubtedly show an increase in volume during 1924 over the previous year. This extension of work will also be found in State road construction, there being more miles of road ready for hard surfacing and paving than was the case at the beginning of the year 1923. The farmers are in a particularly good position as far as 1924 is concerned. This is due largely to the fact that good weather this fall permitted the farmer to complete practically all of his plowing and the making of necessary preparations for spring work. The need for office buildings and other large structures has been partially met, and the movement for resident building seems to have lessened somewhat; however, the present outlook would indicate that there will be sufficient employment for these tradesmen.

**Kansas.**—Industrial activity continues on a satisfactory basis, and there is very little unemployment apparent in any section of the State. The prospects for 1924 compare very favorably with those that existed a year ago for 1923. There will probably be some let up in the milling industry, and the building programs in the various cities will not equal those of the past year, however, no unemployment is expected among these trades. Kansas has adopted a State highway system, and considerable new road construction will be started during the coming year. The farmers, excepting those who specialized in dairying and poultry products, had a particularly bad year, due principally to drought, rain, and floods. Nevertheless they are looking forward to the new year optimistically, and on the whole there will be more diversified farming, which, it is thought, will greatly assist them. Concerning the supply and demand of labor, it is thought that the same will be very well balanced during the coming year. Employers state that the labor turnover is much lighter than has been the case for years; there is very little shifting from one job to another which, of course, reduces the demand for replacements.

**Kentucky.**—At the present time there is considerable unemployment apparent throughout the State. Activity in the various industrial centers continues, but on an unsatisfactory basis as far as employment of common and semiskilled labor is concerned. However, the prospects for 1924 are considered good, and it is anticipated that there will be a greater demand for skilled labor in 1924 than in the past year. There is a large contemplated building program for the new year, and it is thought that there will be more road construction than ever before, which will take care of a great amount of common labor. Activities in the coal-mining regions are very slow, and with the exception of those supplying railroads, mines are working only two or three days a week. The farmers of this State had a fairly prosperous year and are looking forward with optimism to the coming year.

**Louisiana.**—In this State during the past year there has been very little unemployment of skilled mechanics in certain trades, others have shown a shortage, especially among building craftsmen. The present industrial employment situation is excellent and the outlook for the new year considered very good. There is not the slightest indication that industrial activity will decrease during the coming 12 months, and many employers believe that 1924 will be even a more prosperous year than 1923. Building programs in the various cities will be continued, and the building trades will be fully employed during the seasonal periods of the new year, and, as this is a mild climate, these crafts will be at work during the greater part of the time. Common labor will be in steady demand, both by farmers and for work on the good-roads program which has been under way for several years, and will be continued for another two years at least. The farmers are rather skeptical as to the 1924 prospects, due, possibly, to the fact that the year just passed was not as prosperous as the preceding year. The outlook for oil and gas development is encouraging. New fields will be developed and the products will no doubt equal if not exceed those of 1923.

**Maine.**—Practically all industrial plants in this State are operating on a full-time basis, excepting the shoe factories and cotton mills, which are running part time, consequently there is some unemployment existing in certain sections. The industrial employment outlook for 1924 compares very favorably with that of 1923. Present indications are that there will be as great a demand for all classes of skilled and common labor during the new year as that which existed in 1923. Building construction, which has been heavy, will undoubtedly continue and full employment of these tradesmen is predicted. Road and bridge construction will employ large numbers of all classes of labor. Concerning the farmers of this State, 1923 was more prosperous than either 1922 or 1921, and their condition is much better than at the close of either of those years. A supply of farm labor to meet the demand is sometimes lacking, nevertheless, agriculturists are approaching the work of 1924 with expectations for a year as good if not better than that just past.

**Maryland.**—From every present indication it is thought that 1924 will be a year of marked business activity and prosperity. There has been very little break in the upward trend, which began two years ago, in industrial employment in the larger cities, and all indications at the present time point to continued progress without a let up in any industry. The past year was not a very prosperous one for the farmer in Maryland. Production was costly, and labor very scarce; the average farmer is not particularly optimistic as to the future in this respect; however, if competent labor can be secured and other contributory causes to the present situation confronting the farmer ironed out, those engaged in agricultural pursuits will show considerable improvement in 1924 when compared with the past year. Activity in the coal-mining fields is at a low ebb, and there is some unemployment apparent in these regions.

**Massachusetts.**—Industrial activity in this State continues on a scale large enough to eliminate the possibility of any great unemployment problem. In the past few months there has been some curtailment noted in the boot and shoe industry, textile manufacturing, and the metal trades; the latest reports indicate that this slackening is drawing to an end and some of the larger concerns are resuming operations on a practically full-time basis. The outlook for 1924 is considered good and it is probable that there will be an increased demand for skilled labor, particularly after the winter months have passed. Referring to the supply of common labor, as there is every indication that building construction will continue to be very active, except for the winter interruption, there will be an even greater scarcity of this class of help in 1924 than during 1923. Work on the building programs throughout Massachusetts has been necessarily curtailed, but as soon as weather permits work already under way will be rushed to completion, and there is a large contemplated program in view. It is expected that the demand for these tradesmen will exceed that which existed in 1923. There is an extensive road-construction program contemplated for the new year, and, when this work is started, large numbers of various classes of labor will be afforded employment. The farmers in this State had what is considered a fairly successful year. Tobacco raising was particularly good and the fruit crop was excellent. Poultry raisers were encouraged by the return they received for their product, and because of the diversity of agricultural products in this State the farmers can readily secure a market for their produce. There appears to be a disposition on the part

of the farmers to engage more and more in market gardening, and although they anticipate difficulty in securing adequate labor, as has been the case for several years, there is no indication that they propose to limit their activities other than to refrain from undertakings which would make necessary a material increase in labor employed.

*Mississippi.*—There is at the present time some curtailment noted in the textile and lumber mills, always more or less expected at this time of the year; otherwise the industrial employment condition of Mississippi is regarded as good. The outlook for 1924 is very bright and the demand for skilled and unskilled labor will most certainly equal that of 1923. There is nothing to indicate a slowing down of general building construction which has been unusually active during the past 18 months, and full employment of building tradesmen is practically assured. State projects, consisting of road and other construction work, will continue on a large scale and employ large numbers of common and skilled labor. Due to unfavorable weather conditions and crop pests, the past year was not a particularly encouraging one for the farmers; the prospects for 1924 are that planting acreage will run about the same as last year and the farmers are more or less optimistic in their outlook.

*Missouri.*—There is very little unemployment apparent, and industrial activity continues on a satisfactory basis. The outlook for 1924 is considered equal to, if not better than, that which prevailed one year ago. Reports indicate that there will be as great a demand for all classes of labor during the new year as existed in 1923. State road work and a large building program will be continued. The farmers of Missouri were more prosperous in 1923 than in 1922 and their attitude toward 1924 is optimistic. There may be a slight decrease in the total acreage under cultivation; the corn, oats, and soy-bean acreage will show a large increase over 1923. The coal mining industry at the present time is at a low ebb, there being very little activity in the lead and zinc fields, and the coal mines are operating but two or three days a week.

*Montana.*—There has been a seasonal let up in industry throughout this State, and except the demand for skilled metal miners, a small surplus of certain classes of labor is noticeable in some sections. A survey indicates that the year 1924 will see the continuation in volume of practically all labor activities experienced in 1923. Some expansion is predicted, especially in building construction, railroad building, and trackage. Farming activities will continue with a probable increase in acreage sown to corn and beans, with the supply of this class of labor sometimes adequate and at others far short of the demand. Concerning the general outlook for 1924, there are factors that indicate a more hopeful prospect in agricultural and industrial pursuits than that which has prevailed during the past few months.

*Nebraska.*—The present industrial employment situation is considered satisfactory, there being very little unemployment apparent other than workers released by the seasonal curtailment of some operations. The prospects for 1924 are very good. A big building program is planned which will be as large as that carried on during the past year and will include the building of a new State capitol. Over 400 miles of State highway will be graded if present plans are carried out, and the demand for skilled and common labor, it is generally thought, will be larger in 1924 than during 1923. Although the farmers had only a fair year, reports indicate that there will be very little decrease in the acreage planted next year; but that will depend on the available supply of this class of help.

*Nevada.*—Generally speaking the industrial employment situation, in this State, is very satisfactory. From all indications the building program for 1924 will be on about the same scale as that of 1923. Several large irrigation and drainage schemes are in prospect, and several mills are in process of construction, or contemplated for the new year. About 225 miles of new highway construction will be started, which, together with a considerable sum of money to be expended on maintenance work, will employ large numbers of men. The year 1923 has not been a particularly prosperous one for farming and stock raising, and the outlook for 1924 is not particularly bright. It is not thought that any substantial improvement in mining and farming will be realized during 1924. Lumber operatives are increasing their activities, and will continue this program for some time to come.

*New Hampshire.*—There is a slight seasonal let-up in industry, always expected at this time of the year. The textile, cotton goods, and hosiery mills which recently closed have started up, and in a very short period it is thought will be running on a full-time basis. There is at present no serious problem

of unemployment, the demand and supply of all classes of labor being fairly well balanced. The prospects are good for the continuation of large building programs throughout 1924, and it is thought that there will be as great a demand, if not greater, for skilled craftsmen as that experienced during the past 12 months. Generally speaking the farmers had a good year and their attitude toward the ensuing year is optimistic.

*New Jersey.*—There is some seasonal slackening noted in industrial activity at the present time; however, there is very little unemployment apparent in any section of the State. The industrial and employment outlook for 1924 is very bright, and the opinion is generally accepted that there will be as great a demand for all classes of labor throughout 1924 as that which existed in 1923. The continuation of large building programs and road construction on a huge scale is assured, and the demand for this class of labor will be lively. The farmers of New Jersey are somewhat discouraged, due to the outcome of the past year, and while there is no anticipated decrease in sown acreage for 1924, it is thought that some farms will be abandoned because of the difficulty in securing labor.

*New York.*—There has been some seasonal curtailment of industrial activity, with a consequent decline in employment in several industries; still there is no very great unemployment problem in any section of the State. The industrial and employment outlook for 1924 is considered excellent. It is very probable that in the first half of the year the demand for all classes of labor will be approximately the same as in the corresponding period of 1923, with some increase in certain trades. Contemplated building construction already exceeds that which was planned for the year 1923, and it is safe to predict that full employment will be assured to all the building tradesmen as soon as the seasonal curtailment which has been very light this year is lifted. State road construction and municipal improvement projects will employ large numbers of various classes of labor.

*North Carolina.*—Though 1923 has been a bunter year in many respects, the prospects for 1924 appear as good, and perhaps better, than those for 1923 did at this time last year. Industrial activity, which has been maintained at almost the peak, shows no signs of abatement, and from plans made by manufacturers in various industries throughout the State it would seem that there will perhaps be an increase of industrial activity. Agricultural results have exceeded all expectations. The cotton crop of 1923 was the second largest in the history of the State, and came at a most opportune time for the farmers, the price received for this product being perhaps greater than any heretofore obtained. At times it was impossible for the farmers to secure all the help needed, and as a consequence many of them were obliged to have members of their families in the fields to assist in harvesting the crops. The farmers are looking forward to the new year with high hopes, and if there is a greater supply of this class of labor available in 1924 than was the case during the past 12 months, there is every indication that it will be entirely absorbed. The larger building programs carried on in the various centers of the State will be continued, and it is predicted that the new construction for 1924 will exceed that of the past year and larger numbers of skilled and unskilled labor will be permanently employed. During the past year the program of completing several hundred miles of roadway has been successfully carried out, and road construction in North Carolina will be an important item during 1924, and large numbers of common, semi, and skilled workers will be needed on this work. Generally speaking it is safe to predict that 1924 will be a period of prosperity as great or perhaps greater than that of 1923. The farmers are hopeful, building activities are constantly expanding, road building and municipal programs are larger than heretofore, manufacturing plants operating on a full-time basis, with no prospects of slowing down, and the industrial employment situation is considered excellent in every respect.

*North Dakota.*—There is some unemployment apparent in this State at the present time which, however, is due largely to the seasonal curtailment of many activities. The outlook for 1924 is considered fair, though the present indications are that the demand for skilled help will not be as great as during the past year. The building program of the past year has been practically completed, and it is thought there will be less activity in this line during the new year. The mining of lignite coal is increasing, with its subsequent affect on employment. The farmers of the State did not have a particularly encouraging year. Labor was scarce and cost of production great, and the outlook among the agriculturists is not bright unless conditions change materially.

**Ohio.**—The industrial employment conditions existing to-day are considered good. All activities except those purely seasonal are operating, and there is very little unemployment apparent. Building construction, which has been active during the past year, will in all probability be greater in volume and employment in 1924. Prospects in the mining industry for the immediate future are not particularly pleasing, the industry at the present time only operating 50 per cent, and many mines are entirely closed. Road construction and maintenance of roads throughout the State will be continued, and contemplated work will mean the employment of large numbers of skilled and semiskilled labor. The farmers have had a fairly prosperous year, and their attitude toward the future has changed from one of pessimism to a fair degree of hopefulness. The difficulty experienced during the past year in securing farm labor has, to some extent, made the farmers a little afraid to increase the acreage for 1924, and in some sections a reduction of sown acreage might possibly result. As a whole it is thought that the coming year will compare most favorably with the year 1923. Employment will no doubt be constant, with no great labor shortage, no extreme unemployment, and the demand equaling the supply in both skilled and common labor.

**Oklahoma.**—Industrial activity in this State has experienced some set back and let up, and there is some unemployment noticeable, especially is this the case in the oil industry. The past six months has been the darkest in the history of the oil business; however, the industry can now see, or begin to see at least, some lifting of this depression in the near future. Cotton picking in the counties where the cotton came on late is practically over, and the pickers are now beginning to travel back into the large industrial towns, and are adding to the number of those out of work. The outlook for the ensuing year is considered fair, and if the anticipated improvement in the oil fields occurs it will be a better year industrially than 1923. Considerable work will probably be done in connection with the furtherance of the good roads program, and will give employment to many hundred of various classes of labor.

**Oregon.**—There is at the present time a slowing up of employment which is, however, seasonal at this time of the year. Building construction has been good in 1923, and prospects are that operations in the structural building lines will be equally as active in the coming year. The industrial outlook in Oregon bids fair to be one of general activity. At present there is no indication of any let-up in activities of the State's industries, and the basic industries, logging and lumbering, will continue their large operations into 1924. Road making will come close to matching that of the past year and will assure employment to a large number of men. The past year was not particularly prosperous for the farmer in Oregon, excepting those raising sheep for wool and in the production of dairy products. Reports indicate that the planting acreage will be equal in the new year to that of 1923, with the exception of new planting in which an increase is expected.

**Pennsylvania.**—The industrial prospects for 1924 are especially bright in the building and construction industries, including house, bridge, and road building. There has been a gradual slowing down in the steel industry and the industries allied with it, such as bituminous coal, and pig iron, etc., however, orders for structural steel to be used in building operations in 1924 should bring the steel industry back to a normal production and employment basis. At the present time there is some unemployment apparent in Pennsylvania largely due to the seasonal layoffs which always occur at this period of the year. Those that have been released however are chiefly migratory and colored workers, who are not now seeking further employment, but are going southward for the winter months. The anthracite coal industries are operating practically to full capacity. The large bituminous coal mines are operating from two to five days per week and many of the smaller bituminous mines are closed. It is anticipated that the present scale of production and employment in the anthracite field will continue throughout 1924, and the bituminous field will probably improve as the steel industry picks up. Continuation and expansion of the 1923 State road program during 1924, will take care of a tremendous amount of skilled and unskilled labor, and it is fully expected that the demand for all classes of labor will be as great throughout 1924 as was the case in the year just ending. The farmers in this State are conservative in their attitude toward the prospects for 1924 in this activity, and it is thought that there will be a reduction in the acreage sown in grain.

**Rhode Island.**—The present rate of industrial activity in this State is sufficient to absorb the large number of workers dependent upon the running of

these industries, and there is very little unemployment apparent in any section of the State. The industrial outlook for 1924 is considered very good, and it is thought that the demand for all classes of labor will continue as strong as during 1923, with a possible shortage existing later on among the building trades. While last year was not a particularly prosperous one for Rhode Island farmers, it was the best of the last four years, and an optimistic attitude is taken by the agriculturists toward 1924.

*South Carolina.*—There is very little unemployment evident in any section of the State, and industrial activity continues with but few exceptions on a thoroughly satisfactory basis. Some textile plants continue operating night as well as day shifts, and, generally speaking, it is thought that there will be but very little let-up in the present rate of activity. From present indications the demand for skilled and unskilled labor the next 12 months will be as great, if not greater, than during 1923. Building construction projects of considerable magnitude will be started, adding to an already large program now under way. Road construction and maintenance and concrete bridge work will afford employment to large numbers of skilled and unskilled labor. Farmers have just completed a very prosperous year and are looking forward to 1924 with more enthusiasm than has been exhibited for many years. Produce brought a good price and cotton reached the highest market of the past few years. It is almost certain that there will be no decrease in the planting acreage for 1924, and very probably that in some sections the sown acreage will show an increase.

*South Dakota.*—There is a slight surplus of common and skilled labor existing in certain sections of the State, which, however, is looked for at this period of the year. The curtailment of some industrial activities and the necessary cessation of construction work is largely responsible for this condition. The outlook for 1924 is good, and it is predicted that there will be a greater demand for all classes of labor after the winter months than existed at the same time in 1923. Large building and road construction programs will be continued and work will commence immediately if weather conditions permit.

*Tennessee.*—At the present time there is some unemployment noted in the larger centers of this State. This, however, is not an altogether unusual circumstance at this time of the year. Industrial activities, excepting coal mining and some railway repair shops, are operating on a practically full-time basis, but are not increasing their working force. The industrial employment outlook for the new year is considered good. Considerable building is already under way and many new construction projects are contemplated. These, when started, will take care of practically all skilled and semiskilled tradesmen available. During the past year it has been extremely hard to secure farm labor, and it is thought that unless this difficulty is overcome, there will be some curtailment in agricultural activities. However, the last year has been a prosperous one for the farmer, good crops were raised with profitable return made for the same, and the outlook for the new year is bright.

*Texas.*—Industrial activity continues on a satisfactory basis and there is very little unemployment apparent in any section of this State, other than that which is seasonal. Building activities continue unabated, particularly construction of brick, stone, and cement projects, and craftsmen of this kind are virtually all absorbed. The industrial employment outlook for 1924 is excellent. With the possible exception of bituminous coal mining and oil well activities, employment opportunities for all classes of labor will be greater than during the year just ended. Generally speaking, the farmers had a prosperous year and are enthusiastic over the prospects for the new year.

*Utah.*—The demand and supply of all classes of labor throughout this State seems to be very well balanced at the present time. Industrial activity is progressing nicely, and the prospects for the ensuing year appear to be good. From present indications, it is thought the demand for all classes of labor will be as great during 1924 as was the case in the year just past. Building construction will employ large numbers of skilled tradesmen and the contemplated 1924 program will exceed that of 1923. Road construction, which is taking care of large numbers of various classes of labor, will continue to give employment to many hundreds of workers. The past year was not a particularly prosperous one for the farmers of Utah, but was better than 1922. However, improvement is expected in 1924, due to more intelligent planting of crops, and cooperative marketing facilities which, of course, is dependent upon the supply of this class of labor.

*Vermont.*—Industrial prospects for 1924 are considered very good. Present indications point to the satisfactory continuation of all activities, and the

demand for skilled and unskilled labor in 1924 will be, at any rate, as large as in 1923. Building construction, which has been somewhat curtailed due to the winter weather, will pick up within a few weeks, and work contemplated will assure a program of the same magnitude, if not greater, than that of 1923. The past year was a fairly prosperous one for the farmers, although there was much difficulty with the help problem, especially at haying time, some hay not being harvested as a result. However, as a whole the farmers came through the season better than they at one time expected. There is a probability that the planting acreage for 1924 will show an increase over the number of acres under cultivation during the year just ended. Quarrying of granite, marble, and slate continues on a large scale, which will very probably increase in the months to come.

*Virginia.*—Skilled and unskilled labor is very well employed throughout Virginia, and the continuation in the larger cities of building programs will furnish employment to large numbers of these tradesmen and mechanics. Industrial activity shows very little sign of seasonable abatement, and there is no unemployment problem at the present time. The outlook for 1924 is bright, there being no indication of any lessened industrial activity for the year to come than that which has been experienced during 1923.

*Washington.*—Industrial activity continues on a satisfactory basis for this period of the year, and there are no more than the usual number of unemployed apparent. Prospects for the new year, industrially, agriculturally, and generally, are considered excellent. Lumber and its manufactured products—one of the principal industries of the State—which has not been any too good the past few months, is already beginning to pick up, and there is every indication that this improvement will be maintained. Food and kindred products, another important industry, was better during the past year than in 1922. If farm production is as favorable as present conditions indicate, business should gradually grow better in 1924 and show a marked increase in manufactured output. Salmon canning particularly is in a very healthy condition, and it is probable an increased demand for this class of labor will occur during the season of 1924. A normal activity, tending toward an increase in employment, is expected in all industries with no probability of a let up in operations, and the demand for labor will certainly not be less in 1924 than in 1923. Skilled labor in leading industries is hardly equal to present demands, especially in lumber and steel. However, there will be some unemployment during January and February because of seasonal conditions. The prospects for building construction during 1924 are good, and it is thought that the amount of labor necessary for the satisfactory continuation of work contemplated and already under construction will at least equal that of 1923. The past year for the farmers was not very encouraging. While the yield was unusually heavy, the cost of production and other circumstances, such as supply of labor, had its effect upon the agriculturalists outlook for 1924. A slight tendency toward diversification is noticeable, but it is doubtful if farmers are in position to finance a very great change at this time. However, with moisture, and other highly favorable conditions prevailing for another record yield, there is a note of optimism apparent, as it is felt that economic conditions beyond human control have largely contributed to their present situation. While several farms have been relinquished or abandoned, especially in the drier sections, and will go without tillage in 1924, still the number of acres sown in Washington will not be reduced, but will probably show an increase.

*West Virginia.*—At the present time there is a slight surplus of unskilled workmen in the larger cities which is due to seasonal curtailment of outside work. More labor was employed in road building during the past year than any previous year in the history of this State, and the amount of work planned for 1924 will be equally as great, which assures employment to large numbers of this class of labor. Taking the various industries into consideration, the outlook for 1924 is very encouraging. While there is now and then some seasonal curtailment, this as a whole does not affect any great number of employees, and in most cases it is a class of labor that can be placed in other industries. In regard to unskilled workers, we expect a surplus at this season of the year. However, the demand for common laborers during 1924 will be as great, and probably greater, than that of the year just past. Building tradesmen are well employed, the outlook in this industry is excellent, and the coming year promises a general expansion which will naturally stimulate the building programs. There is very little

activity around the mines of this State. It is estimated that one half of the coal mines normally in operation are idle at the present time, and those operating are on a part-time basis. Consequently there has been considerable unemployment of this class of labor and present indications are that the supply will be quite equal to the demand of 1924.

*Wisconsin.*—There is very little unemployment apparent in this State, and industrial activity continues with very little abatement. The outlook from an industrial employment point of view for 1924 is considered satisfactory. Building construction during 1924 may not be quite as extensive as in the past year; however, full employment among these tradesmen is predicted. Highway construction will continue during the new year, and it is thought that more labor will be necessary for the satisfactory completion of projects contemplated than was actually used in 1923. The farmers had only a fair year; however, the acreage for cultivation during 1924 will be as large as that of 1923.

*Wyoming.*—Prospects for 1924 are very encouraging, especially in the oil industry. The installation of a \$10,000,000 electrical plant in the Salt Creek oil field means additional employment for machinists, skilled and semiskilled workers, and common laborers. As the housing shortage continues, building operations will be equally as brisk as they have been during the year just past. Work on road construction will continue and afford employment to large numbers of this class of labor. The farmers of this State did not have a very encouraging year, owing to the fact that certain crops could not be harvested before the early frosts and the difficulties experienced in securing sufficient help. However, owing to the heavy rainfall during the summer months, range conditions are said to be very good; this means an abundance of grass, and that conditions for cattle raising and other stock activities should be excellent.

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I have here a letter from John H. Cowles, grand commander of the Ancient and Accepted Scottish Rite of Masons, in regard to the plan that American consuls pass on all emigrants to this country. This will also go in the record if there is no objection.

(The letter referred to is as follows:)

WASHINGTON, D. C., January 9, 1924.

HON. ALBERT JOHNSON,

*House of Representatives, Washington, D. C.*

MY DEAR MR. JOHNSON: I am greatly interested in your immigration bill. I want to express the strongest admiration for your presenting such a bill to Congress. I do not think it any too strong, although it may be changed in some respects before adoption.

In my opinion, it is not only a good idea to have American officials, who are stationed in foreign countries, pass upon those emigrating to this country, but there should be an additional check by having the officials on this side give their O. K. before admission; in other words, American officials in foreign countries would be under such pressure and influence that there ought to be a check on this side.

Yours sincerely,

JOHN H. COWLES.

MR. SABATH. I will ask that Doctor Wise be permitted to insert as part of the record a booklet prepared by Doctor Soltes. He is connected with the Jewish press in the United States, and has made a special report on that subject. I think it will be very interesting.

THE CHAIRMAN. If it is a bulky document, I do not think the entire pamphlet should go in.

(Clerk's note: The statement by Doctor Soltes was not presented to the committee.)

MR. SABATH. Mr. Chairman, without having any previous knowledge of the meeting held in Hamtramck, Mich., of which the gen-



tleman from Colorado, Mr. Vaile, read an article in the Record, and the editorial on same by one of the New York papers, I immediately asserted that there was no foundation for the article and was not based on facts, and the libelous statements contained in the article were being used to create prejudice against the so-called newer immigration which is being charged with living in—new-coined phrase—en masse settlements. Knowing the Polish people as I do, knowing their splendid record, their contribution to our Nation, the part they played in the upbuilding of our country and its institutions, and knowing that they are loyal, patriotic, and law-abiding people, I could not refrain from questioning the truthfulness of the article as to what had actually occurred in the meeting. Therefore, in justice to the Polish people, as well as to myself and the committee, I made inquiry of the Polish Daily Record, a newspaper published in Detroit, as to the actual happenings in the meeting in question. In reply to my inquiry, I received the following communication from Mr. Joseph Wedda, general manager of the Polish Daily Record. Under the leave given me by the committee, I insert Mr. Wedda's letter:

DETROIT, MICH., *January 8, 1924.*

Hon. A. J. SADATH,

*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN: Replying to your telegram under date of the 8th instant, the newspaper reports of the Hamtramck meeting were garbled and distorted. This meeting was arranged as a protest against the State troopers which the Governor of Michigan had sent to Hamtramck in compliance with a resolution passed by its common council. There were no public disturbances of any kind in Hamtramck. The resolution aforesaid was the upshot of a bitter political fight between Hamtramck's mayor and its common council for control of the city's government.

The judge under discussion is not a Federal judge but a justice of the peace and also a bitter political enemy of the mayor. The sentiment of the great majority of Hamtramckans is in favor of the mayor and against the council and the aforesaid judge. That is why the auditors "booed" the judge when he attempted to speak at said meeting.

What really transpired at this meeting you will learn from reprints of articles in the Daily Record which we are herewith inclosing. We are also inclosing herewith a copy of an article from the Chicago Tribune. We shall be pleased to serve you with more information if you so desire.

Yours truly,

THE POLISH DAILY RECORD,  
JOSEPH WEDDA, *General Manager.*

The Record yesterday began a discussion of the Chicago Tribune's recent editorial criticising a mass meeting of citizens in the city of Hamtramck.

The Tribune was quoted in its amazing assertion that "the persons responsible for that meeting are not Americans in thought, spirit, or practice, whether they are naturalized citizens or not."

To this particular declaration the Record replied yesterday. The Record spoke then as it is speaking to-day, as the recognized representative and champion of Americanism and of the Americanism of citizens of Polish blood. To-day we consider another sentence in the Tribune editorial, which should be considered in the light of the history of the United States, both the early and the most recent stages of that history.

The Tribune, still speaking of "the persons responsible for that meeting," declares that "either something within themselves or something in America has prevented them from becoming American, and has kept them Poles at heart."

We must ask, what can there be, what could there be, within the breasts of men of Polish blood, which would "prevent them from becoming American"? A great deal of comment is made on the fact that speeches in this American

meeting were made in the Polish language. But that same Polish language, as used in Poland, was the first language in which a biography of George Washington was written. This life was written by Niemcewicz, the friend of Washington. And in that language, from the days of Niemcewicz and from before the days of Niemcewicz, all that has been taught of America is its fame and its praise.

All that Polish parents plant in the minds of their sons, even in Poland, is in praise of America and of American institutions.

And there can be nothing, as the Tribune fears, "within America" which might prevent the children of Polish parents from becoming American. For America, to the newcomer from Poland, stands like an ideal country, a land almost faultless. He thinks of it always as an ideal. Some men have visited this country, holding so passionate an ardor of patriotism for Poland that they could not remain here and be naturalized. Yet their ideal for their own country has always been to have its liberties built up so that they would stand like the liberties of America.

"Something has kept them Poles at heart," the Tribune declares. This is strange language from a learned editor, familiar with the history of his native land. Kosciuszko, who planned the defenses of West Point, whose statue stands on West Point parade ground, was a Pole at heart. Pulaski, who died for this country at Savannah, was a Pole at heart. The mighty Kosciuszko lived after the Revolution, and fought again for Polish liberty after he had aided to set this country free. But he has been an inspiration to people of Polish blood in America as in Poland. He is the great leader of thousands and thousands of immigrants, Poles at heart, who have come to this country and have given to this country their Polish hearts and the strength and steadfastness and unflinching loyalty of the Polish character.

This is the light shed on the Chicago Tribune's comment by the history of the first days of this Nation.

The light shed by most recent history of our people is quite as illuminating, quite as full of the flame of instruction for the Tribune.

We have held in our hands a list of the dead. Everyone knows what dead. It is a list of some of the dead of the World War, the soldiers from Wayne County, Mich., who died while wearing the uniform of the American Expeditionary Forces.

In this list there are 874 names.

They are the dead. They are the beloved, the honored, the most beloved and most honored dead.

Does anyone question the Americanism of these?

It is preposterous. For from these dead we learn Americanism. We learn devotion. We learn sacrifice. We learn the preciousness of our liberty. We learn the sacredness of the flag.

By just proportion some of these 874 names should be Polish, and of the dead some should be Polish or partly Polish.

About 80 of 90 of them, according to the proportion of the population, should be Polish. So many we might expect to find with some Polish blood, with some knowledge of the Polish language, with some interest in the Polish history and traditions.

And the number of names unmistakably Polish in this list is not 80 or 90. It is 145. We have a right to believe that there are at least from 25 to 50 more whose names were originally Polish, or who have some share of Polish blood.

This is something which has been brought about by the same kind of people who organized that Hamtramck meeting. The same Americanism which inspired that public meeting inspired these young men to fight for their country and to fight even to the last desperate grapple with death.

"Something within themselves" made this possible. What they and their fathers heard of America, in Poland, in the Polish language, made this possible. This is the result of education by fathers or grandfathers who were Polish at heart, and whose hearts therefore turned naturally to the cause of America.

Americans of Polish descent are indeed Americans at heart, because there is room in their heart for the great Polish traditions and especially the proud tradition of friendship and cooperation with America and the support of American ideals. This the Tribune would understand by any direct study of the relations of the two people and of the attitude of the man of Polish blood. In every part of the world, toward America, the land of realized ideals.

*To the Chicago Tribune:*

With one more citation from the recent editorial in the Chicago Tribune on Hamtramck, our present discussion of this able newspaper's comment will close.

The Tribune remarks that resentment of race consciousness and solidarity in European-born residents, a resentment "expressed in the ordinary American attitude toward the Poles, or toward Italians, Greeks, Slavics, and to a lesser extent toward Germans, Scandinavians, Irish, or British, tends to drive these people still more closely together. That is deplorable."

The Tribune here seems to express alarm at the vision of one racial group, the Polish-Americans of Hamtramck, as "driven more closely together." In view of the real situation of Hamtramck, this comment of the Tribune is almost humorous. For we have more than one kind of European-born citizens in Hamtramck. And while there are divisions and disputes, the divisions are not on racial lines.

One would think from the Tribune's remark that the people of Polish blood in Hamtramck were united in some way against the people of every other descent.

If this were so, the people of other descents would have a right to complain. This is one country, not many, and we are not many peoples but one people. And therefore we have a right to expect that one national stock will never be found uniting against other stocks.

But this condition, which would be deplorable, does not exist in Hamtramck.

There are divisions and disputes, and factions and parties, among the people.

But the divisions which have shown themselves have been between individuals and organizations, not between racial or kinship groups.

Men of Polish descent have disagreed with other men of Polish descent. Men of German descent have differed with other men of German descent. Men of British and Irish descent have not felt the same way as other men of British or Irish descent.

Now, it would be interesting to inquire what the line of difference is. Without going into a detailed discussion of Hamtramck politics, we can say that the line of division is about what one would expect in any American city, in Chicago, in New York, or in Hamtramck.

But in the lines of division there is nothing Polish, or Russian, or German, or Irish, or Ukrainian. These citizens of Hamtramck have differed on purely American questions. They have differed on the enforcement of certain laws. They have disagreed on the advisability of certain public policies. They have differed also in their estimates of individuals.

The story of Hamtramck politics is, on the whole, of the same general character with the story of Chicago politics. There is this difference: In the history of Chicago politics the old factions divided into Republican and Democratic organizations, imitating the parties in the National and State campaigns. Hamtramck's elections have always been free from entanglements with National and State campaigns, for she has had only local parties and divisions in local elections.

There is in Hamtramck no "Polish" party, nor any party carrying the name of any other European nation.

The Chicago Tribune's fear that something is driving the people of Polish blood more closely together is not a fear grounded in the situation. The politicians and officials of Polish descent have been very far apart in the contentions of Hamtramck.

The Hamtramck people of Polish descent are naturally observant of the "ordinary American attitude toward the Poles." And we think it can be said that on the whole, in Hamtramck, we hear no complaint of the "ordinary American attitude toward the Poles." The Hamtramck citizens of other national descents have worked together with Polish-Americans. They have agreed together and disagreed together.

There are men in this faction who are of Polish descent, and men in the same faction who are not. Americans of Polish descent and Americans not of Polish descent have been working together to aid Americanization, and they have united in bringing into full citizenship a great crowd of men and women of many different national descents.

The ordinary American attitude toward the Poles is becoming more and more harmonious and agreeable. There is always a certain strangeness when new groups meet. But all strangeness is wearing away.

But while the Polish-American does not complain, in Hamtramck, of the "ordinary American attitude," he does complain of such sweeping attacks as

this made in the Chicago Tribune on a whole community and a whole racial group, when the Tribune can not know the community and should, as a Chicago newspaper, know the racial group extremely well.

One rejoices in the spirit of justice which actuates the American in his attitude toward the Polish-Americans and others, and one feels that the Chicago Tribune intended also to maintain justice.

But justice, after all, is based on knowledge. We are confident that in the future, when the Chicago Tribune and others are better acquainted with Americans of Polish descent, there will be less injustice recorded.

Mr. Chairman, I shall also take the liberty of inserting an editorial from the Dziennik Chicagoski, a newspaper published in my home city, protesting against the Tribune article on "Hamtramck":

#### A NEW ATTACK AGAINST THE POLES.

[Dziennik Chicagoski.]

In the local newspaper, the Tribune, an article appeared on December 24, under the title of "Hamtramck," which insults the citizens of Polish descent by charging them with reprehensible behavior toward American laws and institutions, and finally attempts to talk it into public opinion that the Poles are a menace to American institutions.

The cause which prompted the author to write such calumnies was the incident which took place a few days ago in Hamtramck in Detroit. There, on December 20, a mass meeting of the citizens was held at which the city administration was sharply criticized for pillaging the city treasury. The citizens of Hamtramck had protested more than once against the improper running of their town, and feeling arising therefrom ran so high between the citizens and the city council that the latter summoned the militia, which brought about the convoking of the above meeting.

The author of "Hamtramck" writes that the Poles in that town are demanding "Polish government," that they demand the withdrawal of the State militia, and the removal of officials of non-Polish descent. He also writes that the above-mentioned mass meeting sharply criticized the Federal judge for his ruthless war on the transgressors of the prohibition act, that the judge was compelled to be silent when he tried to speak in his defense, and finally was informed that he ought to speak Polish.

After simply making a statement of the above, the author of the article says that this ought not to be lightly passed over, since, as he avers, it forms a menace to American institutions and democratic government; that there is no justification for violating American laws, the American language; and that the present Congress ought to turn its attention to this, to remove the menace. The author advises the adoption of new limitations on the inflow of immigrants, for America ought first to assimilate those who are already found here, to prevent, in the future, the recurrence of such a situation as that found in Hamtramck.

On the basis of comprehensive reports about the situation in Hamtramck, as given in the Detroit Polish Daily Record, we must declare that all that was said in the Tribune against the Poles on account of the situation in Hamtramck is lacking not only in accuracy but, more than that, it possesses the earmarks of calumny. First of all, the Poles in Hamtramck did not demand any special "Polish government," as the Tribune tries to prove. The Poles in Hamtramck protested as citizens of that town and not as Poles. The majority of the residents of that town are citizens of Polish descent, and as a natural consequence their participation in civil affairs must be greater than that of citizens of other nationalities.

The modern practice in almost the whole world to-day is that the will of the majority is respected, so it is hard to understand the resentment of the Tribune and its alarm on account of the fancied menace from the Poles.

Mr. Wedda, as stated in his communication, has placed in my hands various editorials and newspaper articles giving a truthful version of the affair. I shall not presume upon the committee to have all these editorials placed in the hearings but have selected three of such that will serve to enlighten the committee as to the things which transpired at the meeting and which I trust will not only re-

move any prejudice that members of the committee may have formed of the Polish people as a result of reading the article and editorial but to show how easy it is to libel and injure the fair and good name of peoples. The three editorials of the Polish Daily Record follow:

### THE HAMTRAMCK SITUATION.

By John A. Wedda.

Some days ago the Chicago Tribune published the following:

"POLISH CITY IN DETROIT WANTS POLICE OUSTED.

"DETROIT, MICH., December 21. (Special.)

"A resolution demanding that the State police evacuate Hamtramck was to-day drawn up by a committee appointed at a meeting at which 'Polish rule' for Hamtramck was demanded. Hamtramck is a city of 60,000 inhabitants situated within the limits of Detroit.

"Judge Tuttle, of the Federal court, was criticized for his recent attack on the liquor situation in Hamtramck. Justice Phillips, of Hamtramck, was hooded into silence when he attempted to defend Judge Tuttle and the State legislature. The Hamtramck council and State police were attacked violently.

"The speeches were mainly in Polish and when Justice Phillips tried to speak he was told that the Polish tongue should be heard only and for him to leave the hall. Health Commissioner Dysarz said that Hamtramck should be resided in by Polish people only and that all others should get out."

### EDITORIAL COMMENT.

Two days later the Chicago Tribune made this item a subject of lengthy editorial comment. In the editorial it was said that Hamtramck was a bad incident in itself and a good illustration of conditions as they existed in communities where persons of foreign extraction reside in considerable numbers. It was intimated thereby that the Poles, and others too, endeavor to create a state within a State and thus hinder an amalgamation of the several component parts of the American Nation.

The Chicago Tribune's account of the meeting was erroneous and the editorial conclusions founded thereon were therefore incorrect and misleading.

I have had a notion to answer the Chicago Tribune's article immediately after its appearance but, upon second thought, refrained from doing so until I investigated personally the situation and got down to rock bottom of the facts. I know Hamtramck well for many years but I deemed it wise nevertheless to get the last news.

Hamtramck is a new city on the borders of Detroit. It is to Detroit, in the sense of location, what Evanston is to Chicago. There is this difference, that while Evanston is a residential city, Hamtramck is a manufacturing city. The population of Hamtramck is predominantly of Polish stock, though there are other nationalities in considerable numbers.

### A NEW CITY.

Hamtramck, as I said, is a new city, a big community of mushroom growth. This is an important fact to bear in mind because we all understand that cities of a sudden expansion do not develop in all directions as well as older cities develop.

This sudden growth brought into Hamtramck various elements, many of which were thoroughly undesirable. On this there is no dispute as there is no argument on this score that most of the undesirable elements were composed of persons not resident permanently in but outside of Hamtramck.

The government of Hamtramck is composed of a system very similar to that of all other American cities. There is a mayor, a common council, a police department, a fire department, a school system, and all the other departments of a modern city system.

Serious differences arose in the city administration with the mayor on the one side and city council, or at least most of the councilmen, on the other. The mayor maintained that he wanted to clean up the city but could not accom-

plish his purpose because the city council frustrated his plans. The council made similar charges against the mayor.

The controversy in the city government resulted in this, that the council, in the face of the mayor's protest, passed a resolution asking the governor of the State to send in the State police.

The State police came and patrolled the city. But instead of the expected quiet and order further turmoil ensued. It is a matter of public record that at least some of the State policemen became gruffers to a greater extent than any city official in Hamtramck ever attempted to be. One State policeman became so bold that he shot and killed in cold-blooded fashion a proprietor of a soft-drink parlor because the man refused to pay him graft. Another citizen was shot down by another State policeman in plain clothes because he did not stop when ordered to do so. Such were some of the conditions that developed in Hamtramck after the arrival of the State police.

#### AROSE IN PROTEST.

The men and women of Hamtramck arose in protest, orderly protest as we shall see. They called a public meeting to which all were invited and from which none were barred. Those gathered discussed conditions in Hamtramck and the various remedies to eliminate them. A justice of the peace, one Phillips, wanted to speak, not in defense of Judge Tuttle, but in the name of the council. Judge Tuttle, needed no defense because he was not a subject of the discussion or the purpose of the meeting. The people refused to hear Phillips, not because he wanted to speak in English, but solely because they accused him of being a tool in the hands of the councilmen who called in the State police. The people stated emphatically that they would listen to the councilmen but not to Phillips as their emissary.

Nationalism, American, Polish, or any other, was not the topic. Methods of cleaning up Hamtramck were the subject. The mayor presented his case in person. The meeting adopted resolutions petitioning the governor to withdraw the State police and leave the safety of the city in the care of the local police. It was further stated that all possible means will be used to maintain a clean and orderly city. That is the long and short of the whole story.

#### DID THEIR DUTY.

Any slurs cast upon the Polish people in Hamtramck or in any other community because of the Hamtramck incident are entirely uncalled for. These people gathered in public assembly to discuss a public question, as they had a right to do, as it was their duty to do.

The correspondent of The Chicago Tribune, for some unknown reason, misinformed the newspaper and the newspaper, taking the message as the truth, used it as the foundation of an editorial that is an injustice to American citizens of Polish blood.

Now we have the whole situation as it is.

The people of Hamtramck, as I believe, will take the situation in hand and keep it there, irrespective of outside influences, provided, however, that the State police relinquish the right of shooting up the town.

The CHAIRMAN. Representative Clancy, of Michigan, has requested that a supplementary statement prepared by him be admitted to the record. The statement is as follows:

#### SUPPLEMENTARY STATEMENT BY HON. ROBERT H. CLANCY, M. C.

I wish to take the liberty of informing the House of Representatives Immigration Committee that from my personal knowledge and observation of tens of thousands of Polish-Americans living in my district in Detroit that their Americanism and patriotism is unassailable from any just standpoint.

The Polish-Americans are industrious and frugal and as loyal to our institutions as any class of people who have come to the shores of this country in the past 300 years. They are essentially home builders and they have come to this country to stay. They learn the English language as quickly as possible and take pride in the rapidity with which they become assimilated and adopt our institutions.

I make these statements because of the issue raised by garbled newspaper reports of public meetings held recently in Hamtramck, Mich., arising over

heated discussions of the enforcement of the eighteenth amendment, pro and con. Some of these newspaper articles, I am informed, were put in the record of your committee hearings by Congressman Valle, of Colorado. The inference taken by many is that they reflect upon the Polish-Americans of this country.

As a matter of fact, Hamtramck includes many native-born Americans and many naturalized citizens of various nationalities. The mayor is of Polish descent, the chief of police of German descent, and of the councilmen, one is of Scotch descent, one of Yugoslavian, and one of Ethiopian. The speaking of Polish is not at all necessary in Hamtramck, neither for the transaction of business nor as a qualification for holding public office nor as a means to gaining political support.

Mount Clemens, a city near by, and one never accused of being un-American, and indeed having a population almost entirely of native-born Americans, has had more buildings padlocked on the charges of being blind pigs, than has Hamtramck, I am informed. It appears the eighteenth amendment is held in contempt both by numerous native born and alien born in this country.

Some 4,000,000 Polish-Americans in this country appear to be besmirched, according to their spokesmen and representative citizens and newspapers. Therefore, I respectfully request that this communication and the attached set of resolutions be printed in the hearings of your committee. The resolutions were drawn up and signed by the executive committee of the Detroit society at a meeting held on January 11, 1924.

At a meeting of the executive committee of the Detroit society, held on the 11th day of January, 1924, the following memorandum was unanimously adopted and ordered to be sent to the local press and representatives in Congress:

The Detroit society, an organization of American business and professional men of Polish ancestry, express regret and indignation at recent efforts made to mislead and misinform the Congress of the United States and the general public, by statements and printed articles belittling the Americanism and impugning the patriotism of other citizens of Polish descent, and especially Americans of Polish blood in the city of Hamtramck, which is a municipality inclosed within the municipality of Detroit.

The Detroit society is sure from figures available to all that in the World War the proportion of American volunteers of Polish blood was greater than the proportion of Americans of any other racial descent; that during the operation of the draft law the number of exemptions sought by men of Polish descent was smaller in proportion than the proportion which population of Polish descent bears to the general population of the country; and that the purchase of Liberty bonds by people of Polish descent was far in excess of the proportionate wealth of these purchasers. In these great and significant tests of war time, their Americanism was so well established that it cannot be injured even by misinformation and misrepresentation.

The Detroit Society, whose members are peculiarly familiar with local conditions, knows that the Americanism of the citizens of Hamtramck of Polish descent has been proved by their complete adoption of a modern American system of city government; by the educational system, public and parochial, which has been developed in the community; by the extensive and successful system of education of European-born persons in preparation for citizenship; and by every other sign by which a progressive American community can be known.

The Detroit Society protests, in the name of Americanism, against any unjust attack on fellow citizens of any racial stock or in any community, and especially against any attempt to make such unjust attacks influence the thought or action of the Congress of the United States on the vital issue of immigration. Actual facts, valuable and illuminating to the Congress and to the people at large, are abundant and available, and it is on facts alone that final and just settlement of immigration problems can be based. In making this protest against misrepresentation and this appeal to facts, the Detroit Society is speaking not only for the 4,000,000 Americans of Polish descent in this country, but it is to be hoped, for the 100,000,000 Americans of whom those of Polish descent are but a part.

L. A. Kosciuski, president; Dr. Felix Osowski, vice president; John J. Janitzki, secretary; Francis D. Balicki, treasurer; Joseph Wedda, John Kaminski, Charles Turek, Foster J. Jarecki, John Poleski, Leonard Szymanski, Dr. S. A. Slazinski, board of directors.

The CHAIRMAN. I think it would be well to put in the report of the committee on State affairs of the National Republican Club of New York, which deals entirely with the cost of alien defectives, the alien insane in the State of New York and the desire of that State to collect from the United States \$17,000,000 for their expense.

Mr. BOX. Are you putting the whole of that pamphlet in?

The CHAIRMAN. It is not a pamphlet.

Mr. BOX. We had that same matter up once before, and it was eliminated on reconsideration.

Mr. RAKER. This is another matter. This is not a pamphlet; it is from the Republican Club.

Mr. SABATH. It is the same matter in which the State of New York seeks to recover from the United States \$17,000,000 under an agreement entered into between the State of New York and the Federal Government, whereby the Federal Government should collect a head tax and turn it over, or a portion of it, to the State of New York.

Mr. WILSON. If that is a claim, why should it not go to the Committee on Claims?

The CHAIRMAN. I wish to insert it because it is much more concise than a pamphlet and more appropriate than the statement of Dr. Spencer L. Dawes. It carries this statement:

On June 30, 1923, there were on the books of the State hospitals for the insane 41,302 patients, of whom 10,440 are aliens. Thus, over 25 per cent of the total population of the civil State hospitals are aliens.

Do not confuse foreign born with aliens. This refers to alien population. In another place it refers to the alien population of New York as different from the foreign-born population.

Mr. RAKER. This ought to go in the record for the purpose of showing that the enforcement of the law necessitates putting provisions in this bill that will remedy that condition.

The CHAIRMAN. This is a matter that I think is of particular importance, inasmuch as there has been an effort to combat the statements of Doctor Laughlin. It also states that 25 per cent of the population of insane asylums in New York are aliens—not foreign born or naturalized, but aliens—that the population of New York by the census of 1920 was 10,385,227, of which 1,011,120 were aliens and 129,466 were described as unknown, some of whom may have been aliens. It appeared further from the census that one-tenth of the population of New York in 1920 were aliens. The statement says further that it may be assumed that the same percentage exists today—that is, that aliens form one-tenth of the population of New York—and aliens are 25 per cent of the population of asylums in New York, a ratio of one-tenth against one-fourth.

(The statement referred to is as follows:)

*Resolved*, That the report of the committee on State affairs, relating to insane aliens in New York State, be adopted and the recommendations contained in the report be approved; and it is further

*Resolved*, That a copy of the report and of this resolution be sent by the Secretary of Labor, Commissioner General of Immigration at Washington, commissioner of immigration at New York, each of the United States Senators and Congressmen from New York State, and the respective chairmen of the Committee on Immigration of the United States Senate and House of Representatives. Also to the governor and attorney general of the State of New York.



## REPORT OF THE COMMITTEE ON STATE AFFAIRS OF THE NATIONAL REPUBLICAN CLUB.

The committee on State affairs, pursuant to a resolution adopted by the Club at its December meeting, has investigated and considered the facts relating to the cost to the State of New York of caring for its alien insane in State institutions, and herewith submits its report and recommendations.

While some of the figures submitted relate to the fiscal year ending in 1922 as being the last published data, and the population of the State taken as comparison is from the census of 1920, this is not important, because the percentages given are substantially the same as they have been for several years and the percentages as regards the population would vary little.

On June 30, 1923 there were on the books of the State hospitals for the insane 41,302 patients, of whom 10,440 were aliens. Thus over 25 per cent of the total population of the civil State hospitals are aliens. During the last 10 years the percentage of aliens has not been below 25 per cent and has been as high as 29 per cent.

The population of the State of New York by the census of 1920 was 10,385,227. The census shows that of this number 1,011,120 were aliens; 129,466 were given as unknown, some of whom may have been aliens. From these figures it appears that approximately one-tenth of the population of the State in 1920 were aliens. It may be fairly assumed that the same percentage exists to-day.

Inasmuch as the aliens constitute 25 per cent of the insane patients of our civil State hospitals and only constitute one-tenth of the population, it is seen that the aliens have two and one-half times their percentage of population in our civil State hospitals for insane.

At the interstate conference on immigration held in New York City on October 24, 1923, Dr. Horatio M. Pollock, statistician of the State hospital commission, stated that it cost the State of New York for the fiscal year of 1922 (ending June 30, 1922) \$4,657,423 to care for insane aliens in its State hospitals and for the fiscal year ending June 30, 1923, \$4,380,621. He further stated that the average period of hospital residence of each alien was practically 10 years, and that it cost approximately \$425 year to cure for each patient.

At this same conference, Dr. C. Floyd Haviland, chairman of the New York State Hospital Commission, said that it was costing New York State \$4,500,000 annually for the cure and maintenance of alien insane.

The State architect estimates the present value of the State hospitals and equipment as representing a replacement value above \$200,000,000. While the precise application of the funds provided for by the \$50,000,000 bond issue voted at the last election has not been determined, it is estimated by those familiar with the situation that probably at least three-fourths of those funds will be used for buildings and equipment in connection with the insane. Applying the percentage of 25 per cent aliens, we have property already held by the State valued at over \$50,000,000, and plans calling for a percentage expenditure of between \$9,000,000 and \$10,000,000 for reconstruction and equipment applicable to aliens. There is also the item of interest on bonds issued for this purpose running into large figures.

An important phase of the subject under consideration is that of deportation of aliens who have become public charge.

Deportations of insane aliens can only be made in the case of aliens who have entered the country in violation of the law or who have become public charges from causes arising prior to entry.

Because New York City is the largest port of entry and so many of the aliens remain in the State, especially in the city of New York, New York is by far the largest sufferer from the burden of caring for insane aliens. The State has not the slightest power as to what aliens shall be admitted within its borders. Neither has it the right or power of removing aliens who become public charges. The State can not deport alien insane, when deportable, unless they consent, which is very difficult ordinarily to secure. The Federal Government alone has that power.

The procedure of deportation is for the State authorities to issue a certificate covering the case and upon this certificate a warrant of arrest and an order for deportation by the Department of Labor are issued at Washington. The issuance of a certificate is the State's request for relief, but it is practically helpless, except as the Federal Government may enforce the provisions of the

immigration law. The Federal Government has been very lax in this enforcement.

Warrants of arrest for deportation are now frequently canceled at Washington, and often the Federal Government, without giving to the New York State officer who took the steps leading to the issuance of the warrant an opportunity to be heard, cancels a warrant. Once the warrant is canceled the alien can never be deported, even though he is a public charge at that particular time. At the Interstate conference on immigration last October it was agreed that warrants ought not to be canceled without a hearing, and that warrants of arrest ought to be issued from the commissioner of immigration at the port of entry and not from Washington, as at present.

At this immigration conference, Dr. Spences L. Dawes, medical examiner of the New York State Hospital Commission, made the following statement:

"At one time the State of New York maintained an official like a health officer who said who should and who should not enter the State of New York, and a head tax of 50 cents was charged. This was sufficient to have provided for the care and maintenance of deportable aliens in our State institutions without cost to the State. The Federal Government persuaded New York State to give up the head tax, the understanding being that the Federal Government should provide and care for these people. As a matter of fact, they immediately raised that head tax to \$4; after a little while they raised it to \$8. At the same time the Federal Government did pay New York State, and I presume did pay other States as well, for these aliens from the time that they were proved to be deportable aliens; later they decided against this and decided to pay from the time that the warrant of arrest was served; later they decided to pay from the time the warrant of deportation was served, usually a matter of two or three days—so that if we have an alien for four years, eleven and a half months, and succeed in getting him out before the deportation period is up, the Federal Government has taken care of him for three days."

The Federal Government over a long period of years has failed to meet its obligations to the State of New York for the support and care of deportable aliens. At the request of the attorney general, the State hospital commission in July, 1921, began an investigation of the amount due the State of New York from the United States for the care and maintenance of insane aliens. The data, especially prior to 1912, was far from complete, but there were secured individual schedules for 31,861 patients showing unpaid balances due the State of New York from the United States from 1882 to August 1, 1921, aggregating \$17,447,616.71.

A summary statement of the individual claims was submitted to the attorney general of the State and he has applied to Congress for authority to present the matter to the United States Court of Claims. So far Congress has failed to take action.

The New York State Hospital Commission has annually been issuing certificates to the Federal Government as to deportable aliens in the State of New York. However, the Federal immigration authorities, doubtless through lack of funds for sufficient number of employees, have continuously failed in taking the proper proceedings to deport many of these deportable aliens, so that there has constantly been a large number, sometimes running into the hundreds, of deportable aliens cared for in our State hospitals, who, had there been efficient and reasonably quick action on the part of the Federal authorities, would have been deported and the State of New York saved many thousands of dollars.

The Federal Government does not ask the State's permission when these aliens are allowed to come into our State. The powers indiscriminately used by the Federal authorities in admitting excludable aliens to the country, and very largely that means into the State of New York, have created a condition imposing a heavy financial burden on the State of New York.

To summarize in a general but not an absolutely complete way, the expense to New York State for insane aliens is:

1. For care and maintenance, approximately \$4,500,000 annually.
2. A claim up to August 1, 1921, against the Federal Government for \$17,447,616.71, and an additional claim for many thousands of dollars, to say the least, for the period since August 1, 1921, due the State for care of deportable aliens.
3. Buildings and equipment held by the State, on a percentage basis, having a replacement value of over \$50,000,000.

4. The State under the recently approved \$50,000,000 bond issue to expend on a percentage basis, between \$9,000,000 and \$10,000,000 for new construction and equipment.

These are the plain available figures. They do not take into consideration the social problems which emanate from the existing condition, nor many out-growing items of expense in various directions connected therewith. These figures give a general idea of what it is costing the taxpayers of the State.

As a matter of interest on the general question of immigration, and bearing directly on the subject under consideration, attention is called to another statement by Doctor Dawes:

"For the fiscal year ending June 30, 1922, there were admitted under bond to the United States at Ellis Island, 4,724 defective aliens who were excluded under the Immigration law. This means that a bond was given, frequently with a false surety, which can never be prosecuted. The records of the Federal Government show that 95 per cent of those bonds are violated; these cases are spread all over the United States. They land in New York State—the board of charities takes care of them, the commission for mental defectives, etc.; they get to the State of Washington, to Illinois; they were admitted mandatorily. Washington, D. C., said they should be admitted.

"During the same year 2,712 defective aliens were allowed to enter without a bond; Ellis Island said they must not come in, they were defective. Of 12,976 other aliens found to belong to the excluded classes by medical officers at Ellis Island, 12,305 were permitted to enter by direct order from Washington. Nearly 20,000 in all of the mandatorily excluded classes were permitted to enter the United States during the year."

It is officially stated that thousands of aliens admitted temporarily under bond by the Federal Government have become public charges of the State.

Another item of importance is that the Federal law provides that alien seamen are deportable only within three years, and must have a special board of inquiry before a warrant can be asked for.

The situation in a nutshell is:

1. That the Federal Government has all the power of admitting aliens. It has been and is now admitting many excludable aliens, and to this, very largely, is attributable the serious situation which exists.

2. That a large number of aliens are being improperly admitted into the State of New York, and without any desire on the part of the State they are remaining there. Many of them become public charges and cause a heavy burden of expense to fall on the taxpayers of the State.

3. That the Federal Government is failing in a large degree to enforce the law as to deporting those aliens who are a public charge, and which the State authorities have proven to the Federal Government are legally deportable, and who are thus a burden to the taxpayers of the State.

All this results in the taxpayers of the State of New York being heavily burdened with enormous bills of expense because the Federal Government is not providing proper safeguards against the admission of certain immigrants, and because it is failing to such an extent in deporting deportable aliens, and because it is failing to meet its obligations to the State of New York toward the care of such deportable aliens.

The purpose of the committee is to call attention to a most serious consequence of the conditions attendant upon the admission of aliens to the United States by way of Ellis Island. Thousands of immigrants who are not admissible, by ineffective and lax enforcement of the law, are admitted and many of these unlawfully admitted immigrants later become insane or in other ways become a public charge. The result has been to throw the burden of their support upon the State of New York and in a much lesser degree upon other States to which they migrate. An adequate and competent medical examination and inspection at Ellis Island, or in some way before entry, would in a very large proportion of the cases detect the symptoms or facts making the immigrant inadmissible and cause his exclusion. In this way the State of New York and other States would be saved to a large degree the tremendous subsequent cost of the support of the insane alien, and, in many cases, of his deportation.

More important than the exact quota for any particular nation is that there shall be proper provision of law to stop the entry of these excludable aliens. Very largely the provisions of the present immigration law provide that they shall not be admitted, but the administrative provisions and the methods adopted by the Federal Government in preventing them from enter-

ing fall far short of meeting the situation. The result is that thousands of these excludable aliens who should never be allowed to put foot in this country enter and by the thousands later become insane or other public charges.

It is high time that the State of New York, which is the greatest sufferer by reason of this condition, as well as the entire country, should vigorously insist upon the enactment of an immigration law not only defining what aliens shall not be admitted, but also providing for effective administration and methods, particularly along the line of competent medical inspection and examination. The welfare and the rights of the State and of the Nation should be conserved and neither the greed of steamship companies nor the desire of properly excludable aliens should be allowed longer to sweep over or around our immigration safeguards.

Not only should the Federal Government and its responsible officers see that this condition is stopped, but the governor, attorney general, and the Legislature of the State of New York should energetically take such action as is possible on behalf of the State to secure effective action from the Federal Government.

Your committee recommends as follows:

1. That the Federal Government (a) through Congress by the enactment of law and the appropriation of sufficient funds, and through its proper officers in the adoption of methods and regulations, provide for and secure an adequate and competent medical examination of immigrants before entry, and a more efficient and rigid enforcement of the immigration law, particularly as regards the exclusion of excludable aliens and the deportation, without delay, of aliens legally shown by the authorities of the State of New York to be deportable.

(b) Reimburse the State of New York for the care and maintenance of alien public charges for which the Federal Government is obligated and responsible.

2. That the Members of Congress cooperate in granting permission for New York State to submit to the Federal Court of Claims its claim against the United States for \$17,447,016.71, or such larger sum as the State may claim to be due from the United States for the care and maintenance of insane aliens in its State hospitals.

3. That Congress amend the immigration law so that it will provide (a) that as a prerequisite to the grant of a visa by an American consul, the emigrant shall present a medical certificate on a blank provided by the Commissioner General of Immigration, embodying family and personal history, and certifying that the emigrant is not of the excluded classes, and made by a physician in employ of the transportation company which would bring him to the United States; providing a fine based on the cost of transportation, not less than three times such cost and leaving in the law the provisions of sections 9 and 19 of the present law, except as thus modified.

(b) Regarding warrants of arrest, that they shall be issued upon the order of the commissioner of immigration of the district in which the alien is a public charge.

(c) Regarding cancellation of warrants of arrest, that the Secretary of Labor, or such other officer as shall have the power to cancel such warrants, shall give due notice, with an opportunity to be heard, either in person or by letter, to the department or officer issuing the certificate, before a warrant, either of arrest or of deportation, is canceled.

(d) Regarding time of deportation, that an alien subject to deportation, proved to be a public charge, may be deported at any time when deportation proceedings have been commenced within five years after entry and that for the purpose of the law the "commencement of proceedings" shall be the request for a verification of landing by a responsible officer of any State.

(e) Regarding alien seamen, that they shall be admitted and deported under the same conditions as other aliens, not only as to time in the United States but as to hearings.

(f) Regarding stowaways, that there shall be no time limit as to deportation when they are public charges.

(g) Regarding geographically excluded aliens, that they, excepting those specifically exempted, may be deported at any time and without verification of landing when they are public charges.

(h) Regarding admission under bond, providing that no aliens belonging to the class of mandatorily excludable aliens suffering from "idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority,

or chronic alcoholism" shall be admitted under bond and in any other case admitted under bond, the amount shall be not less than \$2,500 with financially responsible sureties.

(i) That the State be reimbursed by the Federal Government in the case of alien public charges from the day of their admission to a State institution where it is proven that the alien is in the United States contrary to law and at a rate of not less than \$1 per day.

(j) That where failure to deport is due to laxity or negligence on the part of the Federal Government the latter remove the alien to a Federal institution.

Respectfully submitted.

COMMITTEE ON STATE AFFAIRS,  
W. H. VAN BENSCHOTEN, *Chairman*.

Mr. Box. I would like to have a further statement on that feature in the record if we can get it. The States of Illinois and Massachusetts and several others, 10 in number, I think, have similar claims, and have agreed that they will abide the action or await the action of the Government on the New York claim. I can submit a statement showing that is their attitude and that in the conference held in New York before this action was taken that the representatives of the health or hospitalization commissions of those States made an informal agreement to that effect.

Mr. SABATH. Have they ever made a demand on our Government?

Mr. Box. No. They said they would await the outcome of New York's effort to collect the money.

Mr. SABATH. Let us not encourage them to make too many claims.

Mr. RAKER. Upon what grounds do they base this claim?

Mr. Box. Any effort of mine to state it might not be exactly accurate. However, my recollection is that their action was based mainly on the illegal admission of this class of people.

Mr. RAKER. That is what I thought.

Mr. WHITE. I have just come into the committee room. In what relation do you use the word claim? Is it a claim against the Government?

Mr. Box. Yes. It does not take the form of legislation that has been actually presented, but it is in the form of a claim.

The CHAIRMAN. They have to get permission of the United States Government to sue.

Mr. WHITE. I just wanted to get the trend of the discussion.

Mr. Box. In a conference held between the representatives of the health departments and the hospitals of a great number of States, one of which was Illinois, a statement was made that large numbers of these people were in the country, and that they thought the Federal Government ought to bear the consequences of that, and they asked that Doctor Dawes, who then represented the State of New York, who was chairman of the first meeting of these people, take steps to present an itemized claim against the Federal Government for \$17,000,000. That is discussed in a statement just submitted by the chairman for the record, wherein it was stated in an informal, unofficial way, that they would await the results of the efforts of New York, and govern themselves accordingly.

Mr. RAKER. Do you recollect, approximately, the entire amount of the claims?

Mr. Box. I do not. The claims of other States were not nearly so large as that of New York.

Mr. WHITE. Has there been an analysis made of these hospitalized aliens as to their nationalities?

Mr. BOX. You mean classification by nationalities?

Mr. WHITE. Yes.

Mr. BOX. As far as I recall, no such division was made in the conference, as shown by its records, except that they dealt with it very much like this Republican organization did, from the standpoint of aliens and citizens and natives.

Mr. WHITE. It would be very valuable to this committee to have that information, which could be easily and promptly ascertained.

Mr. RAKER. I ask permission to have inserted in the record a letter from R. C. White, Second Assistant Secretary of Labor, dated January 17, 1924, showing the number of applications made, the number asked for, and the kind of skilled labor, and by whom requested for the last year under the skilled labor provisions of the act of 1917.

The CHAIRMAN. Skilled labor of a kind not found in the United States. Without objection, that will be inserted in the record.

(The letter referred to is as follows:)

DEPARTMENT OF LABOR,  
Washington, D. C., January, 17, 1924.

HON. JOHN E. RAKER, M. C.,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to acknowledge receipt of your letter to the Secretary under date of December 28, asking for the number of applications made for the year ending June 30, 1923, to bring in skilled labor. I inclose herewith a list giving the date, file number, number requested, and number granted, the character of workmen and the firms applying, which shows 55 applicants received and 3,318 laborers granted permission to enter by 51 applications which were granted. Wherever a cipher appears, it shows the petition was denied.

The department has no record of the number actually admitted under these permits. This record is retained at the ports of entry. The copy also contains the reason for granting the apparently large number of woodsmen. I might add that Mr. Clark at Montreal informs the writer that only a small proportion of the number granted were actually admitted, because the companies were unable to secure the help needed. I believe the other items are self-explanatory. You understand, of course, this represents the applications received and does not represent the number of aliens applying who were excluded as contract labor. If there is any further explanation needed, by calling upon me I will promptly and gladly respond.

Cordially and sincerely yours,

ROBE CARL WHITE,  
Second Assistant Secretary of Labor.

#### *Alien contract labor.*

[The applications of lumber people in northern Maine, New Hampshire, Vermont, and New York were granted in order to save the spruce lumber in this district. A spruce bug was found working in this timber, killing the trees, causing an emergency to arise and necessitating the immediate cutting of this timber. Investigation by our officers verified these facts and this was also verified by the Agriculture Department, which stated that unless the timber affected by this bug could be cut immediately, we would lose 60 to 75 per cent of all spruce thus affected.]

Date.	File No.	Number requested.	Kind.	Number granted.	Name of importer.
1922. July 7	55197-122	50	Woodsmen.....	50	Racquette River Paper Co. (60 days).
Dec. 13	55197-297	100	.....do.....	100	Boyle & Cohen.

## Alien contract labor—Continued.

Date.	File No.	Number requested.	Kind.	Number granted.	Name of importer.
1923.					
Jan. 22	55193-40	100	Woodsmen.....	100	Green Mountain Lumber Co. (Mar. 1, 1924).
Feb. 27	54704-10	200	do.....	200	Frontier Lumber Co.
Apr. 23	55192-48	500	Wood cutters.....	500	American Realty Co.
June 10	55197-299	600	Woodsmen.....	600	Amos Blandin.
June 16	55192-61	250	do.....	250	Groveton Paper Co.
July 25	54040-196 R	100	Lumbermen.....	100	Santa Clara Lumber Co.
July 23	55197-131	1	Ordnance engineer.....	1	War Department.
Aug. 28	55197-125	1	Skilled operator of Raschel knitting machine.....	1	Mutual Knitwear Co.
Sept. 7	55197-158	1	Artificial eye maker.....	1	Mayer & Gengel.
Sept. 20	55197-164	1	Marine underwriter.....	1	Wm. H. McGeen & Co.
Oct. 6	54907-51	200	Skilled electric furnace men, machinists, millwrights, electricians, etc.....	200	Aluminum Co. of America.
Apr. 10	54807-51	400	do.....	400	Do.
Oct. 23	55197-217	1	Skilled laborer.....	1	Merton E. Shedd.
Oct. 31	55197-252	1	Manager of branch bank.....	1	Royal Bank of Canada.
Nov. 3	55129-39	2	Mechanics to erect foreign-made machines.....	2	Leigh & Butler (importers of foreign textile machinery).
Feb. 19	55128-39	4	do.....	4	Do.
Nov. 3	55197-30	1	Skilled clerk.....	1	Thompson Advertising Co.
Nov. 4	55197-262	1	Assistant auditor.....	1	Lloyd Steamship Co.
Jan. 3	55197-65	1	Skilled in cane weaving.....	1	A. L. Randall Co. (manufacturers of reed furniture).
Jan. 10	55045-114	2	Skilled erectors of foreign-built machine.....	2	Alfred Hoffman & Co. (importers of textile machines).
Apr. 19	55045-114	2	do.....	6	Do.
May 10	55045-114	2	do.....	2	Do.
Jan. 22	55184-155	1	Catholic Sister of the Divine Saviour.....	1	Do.
Do....	55197-283	3	Mechanics.....	0	Baer Bros. (Bronze Powder Manufacturing Co.).
Apr. 7	55197-283	3	Skilled in coloring bronze.....	1	Do.
Mar. 16	55197-397	1	Pyrotechnicians.....	1	American Cyanide Fireworks Co.
Feb. 2	55197-350	1	Timberman, expert in long-wall system of mining.....	1	Montevallo Mining Co.
Feb. 21	55197-344	6	Expert architectural terracotta modelers.....	6	Melles & Co., electric molders.
Mar. 7	55197-64	12	Student laborers.....	12	International General Electric Co.
Oct. 14	55197-64	3	do.....	3	Do.
Mar. 14	55045-3	1	do.....	1	J. N. Peats Construction Co.
Mar. 19	55197-396	2	do.....	1	Parke-Davis Co.
May 14	55197-396	1	do.....	1	Do.
Mar. 21	55197-408	60	Skilled lineman.....	0	Penn Central Power Co.
Mar. 23	55197-379	1	Expert installer of special machine.....	1	R. J. Ederer Co. (manufacturer of fish nets).
Do....	55197-381	1	Skilled erector of Raschel machine.....	1	Federal Knitting Mill Co.
Mar. 29	55197-309	3	Technical men.....	8	Scandinavian Belting Co.
Mar. 31	55197-415	1	Skilled piano workers.....	0	New York Manufacturing Association.
Apr. 2	55268-817	1	Upholsterer and cabinet-maker.....	0	P. C. & L. H. Harrington.
Apr. 16	55197-426	1	Student laborer.....	1	American Lines Co.
Apr. 18	55045-88	4	Mechanics to install textile novelty machines.....	4	Barthels Manufacturing Co. (importers of textile machinery).
Apr. 25	54806-232	1	Expert erector foreign machinery.....	1	Atkinson Haserick Co. (importers foreign-built textile machinery).
Feb. 19	54806-232	1	do.....	1	Do.
Mar. 26	54806-232	1	do.....	1	Do.
Oct. 27	54806-232	1	do.....	1	Do.
May —	55197-389	1	Expert trainer of polo ponies.....	1	Mrs. F. E. Guest.
May —	55197-443	1	Expert silk dyer.....	1	National Silk Dyeing Co.
May 4	55197-425	3	Exports in manufacturing by secret process.....	3	Odol Chemical Co.
May 21	55197-460	70	Skilled grinders, finishers, builders.....	70	Carborundum Co. (manufacturers of emery wheels).
May 24	55197-304	600	Trackmen for international construction.....	600	Canadian Pacific Ry.
June 2	55198-58	1	Manager.....	1	Ed La Croix (Ltd.).
Do....	55197-431	1	Expert in oils.....	1	Stoh Oil Refining Co.
June 12	55197-479	1	Expert in Swedish method of manufacture.....	1	Paper Utilities Co. (wall paper manufacturers).

Mr. RAKER. I will ask to have inserted also a letter from Commissioner Clark, who appeared before the committee, and stated that he would furnish the committee, as requested by me, figures showing the number of people coming from Canada to the United States and going from the United States to Canada during certain periods.

The CHAIRMAN. If there is no objection, that may go in the record.

(The letter and attached statement are as follows:)

MONTREAL, CANADA, January 12, 1924.

HON. JOHN E. RAKER,

House of Representatives, Washington, D. C.

DEAR JUDGE RAKER: Referring to my appearance before your Immigration Committee on the 7th instant, in response to your request I beg to hand you herewith tables showing the immigration movement from Canada to the United States and from the United States to Canada, covering a long term of years, which, it is hoped, may supply your committee with the information desired on this subject.

Regarding the table showing the movement from Canada to the United States, I wish to explain that prior to July 1, 1917, the entire border territory between the Atlantic and Pacific Oceans comprised one immigration district, but on July 1, 1917, this border territory was divided into two districts, the eastern line of Montana being the dividing point, the western district being placed under the control of the commissioner of immigration at Seattle.

If, therefore, your committee should happen to be interested in getting statistics for the western district subsequent to July 1, 1917, the commissioner of immigration at Seattle will, no doubt, be prepared to supply them.

Very respectfully yours,

JOHN H. CLARK, Commissioner.

Table showing immigration from and through Canada via Canadian Atlantic seaports, Canadian Pacific seaports, and land border ports.

Fiscal years.	Canadian Atlantic.			Canadian Pacific.		
	Admitted.	Debarred.	United States citizens.	Admitted.	Debarred.	United States citizens.
1906-7.....	19,359	123	2,702	2,283	89	.....
1907-8.....	15,254	299	3,533	1,707	13	142
1908-9.....	13,913	126	3,939	1,504	15	590
1909-10.....	30,909	625	5,829	1,708	26	585
1910-11.....	25,356	491	7,839	1,361	.....	606
1911-12.....	23,193	145	5,964	978	.....	770
1912-13.....	47,085	333	5,343	915	.....	526
1913-14.....	45,965	896	5,564	1,377	3	912
1914-15.....	8,374	71	9,791	800	13	435
1915-16.....	763	24	203	1,631	24	1,353
1916-17.....	392	.....	306	2,194	24	2,881
1917-18.....	273	.....	88	.....	.....	.....
1918-19.....	3,110	6	1,451	.....	.....	.....
1919-20.....	1,287	26	1,767	.....	.....	.....
1920-21.....	22,304	195	3,794	.....	.....	.....
1921-22.....	7,416	59	5,203	.....	.....	.....
1922-23.....	13,142	72	9,772	.....	.....	.....
	278,097	3,377	72,588	16,258	207	8,800



Table showing immigration from and through Canada via Canadian Atlantic seaports, Canadian Pacific seaports, and land border ports—Continued.

Fiscal years.	Border ports.					United States citizens returning after permanent residence in Canada.
	Canadians admitted.	Canadians debarred.	Other aliens admitted.	Other aliens debarred.	Nonmanifest debarred.	
1906-7.....	17,262	849	36,368	2,485	1,603	.....
1907-8.....	33,237	1,452	38,358	2,041	2,783	.....
1908-9.....	42,423	1,917	32,866	1,710	3,217	.....
1909-10.....	41,853	2,586	25,487	1,405	2,396	.....
1910-11.....	40,204	2,358	27,660	1,626	2,414	31,432
1911-12.....	42,765	1,828	25,371	1,540	3,013	38,317
1912-13.....	42,810	3,063	41,492	2,786	3,646	44,497
1913-14.....	42,597	6,134	52,705	6,509	6,894	44,013
1914-15.....	76,003	6,258	39,640	11,367	7,677	46,387
1915-16.....	81,877	6,087	28,422	2,970	4,962	32,440
1916-17.....	17,181	1,939	24,744	2,249	4,860	43,661
1917-18.....	44,110	3,164	18,060	1,354	7,960	19,839
1918-19.....	72,996	8,692	18,147	920	13,107	16,930
1919-20.....	56,019	2,479	24,000	1,065	12,087	11,562
1920-21.....	37,009	2,876	22,059	2,765	15,251	11,290
1921-22.....	88,460	5,222	9,110	2,233	16,637	9,698
1922-23.....	.....	.....	10,880	3,633	22,906	10,760
	786,896	51,910	482,066	49,658	132,075	370,726

Prior to 1907-8 no record of the number of Canadian citizens admitted and debarred.

Prior to 1910-11 no record of the number of United States citizens returning after permanent residence in Canada.

Subsequent to 1916-17 Canadian Pacific arrivals recorded at Seattle.

Subsequent to 1916-17 border entries via three Western States (Montana, Idaho, and Washington) recorded at Seattle.

*Immigration from the United States to Canada.*

	United States citizens.	Canadians.	Other aliens.	Total.		United States citizens.	Canadians.	Other aliens.	Total.
1909-10.....	78,697	15,203	22,477	116,377	1917-18.....	36,369	10,103	7,335	53,749
1910-11.....	74,197	17,078	28,478	119,753	1918-19.....	30,223	9,765	4,015	44,003
1911-12.....	97,951	20,066	25,214	143,231	1919-20.....	36,511	7,953	4,160	48,624
1912-13.....	87,660	19,279	23,723	130,664	1920-21.....	29,420	10,036	4,087	43,543
1913-14.....	61,025	18,418	11,372	90,815	1921-22.....	16,505	6,838	2,586	25,939
1914-15.....	23,059	14,651	4,819	42,529	1922-23.....	13,316	4,365	2,244	19,935
1915-16.....	25,311	10,065	4,952	40,328	Total.....	665,590	176,758	155,803	998,151
1916-17.....	55,403	12,886	10,379	78,668					

JANUARY 15, 1924.

HON. JOHN H. CLARK,  
Commissioner Immigration Service,  
Montreal, Canada.

MY DEAR MR. CLARK: Yours of January 12, with inclosed tables, showing the immigration movement from Canada to the United States and from the United States to Canada, just at hand.

Your attention to my request is certainly much appreciated.

Thanking you for this courtesy, with kind personal regards. I am,

Yours most truly,

JOHN E. RAKER, M. C.

Mr. WILSON. I have a telegram here which I must answer this morning, which says this:

Press reports indicate your committee soon will report out immigration bill. We are vitally concerned. Consider it of utmost importance that new law does not prevent the advancing of passage expenses to northern European farmers.

If we can do so legally, members of this association hope to secure many small farmers for this territory, need for which you know. Hope bill also authorizes admittance of good farmers regardless of quota where need for them can be shown. We indorse Secretary of Labor's printed recommendations, having had conference with him in Washington on subject of need for small farmers in South, and he approves idea helping them to come here.

See his printed recommendations.

Can you tell us if new bill will prevent us from advancing expenses to farmers coming here and if so what are possibilities of covering this particular point.

SOUTHERN ALLUVIAL LAND ASSOCIATION,  
W. H. DICK, *President*.

There is not any way of convincing these people and like organizations about the exact situation, but Mr. Dick, the man at the head of this organization, is a man of very wide experience, and, as I understand, Mr. Quinn, of the American Legion, is to come before the committee, and as Congressman Driver has also spoken to me about this matter, I would like to have Mr. Dick come before the committee to discuss it.

The CHAIRMAN. There will be no objection to that. That phase of it is yet to be further discussed. We have had it up with a number of witnesses, and Secretary Davis expects to be present some time soon to discuss the matter of passports.

Mr. WILSON. This organization represents Tennessee, Mississippi, Louisiana, and Missouri, and with your permission and that of the committee. I would like to wire him to-day that he may appear before the committee soon.

The CHAIRMAN. I think the committee should ask some responsible person what kind of plans they have to bring farmers or others, and what provision for bringing wives and dependents?

Mr. WILSON. I think his appearance before the committee would enable him to enlighten us on that proposition.

The CHAIRMAN. Without objection Mr. Wilson is authorized to inform Mr. Dick that hearings will be reopened upon his arrival.

Mr. Box. I am in full accord with my colleague's suggestion of granting the hearing.

Mr. WILSON. They can not appreciate conditions before the committee unless they come here to argue the matter.

The CHAIRMAN. I think we should close the record at this point and sit in executive session with representatives of the Department of State who are now here.

(Whereupon the committee went into executive session.)

## APPENDIX.

Memorandum by the clerk: At a meeting of the committee on January 23, 1924, the following documents were read by the committee and ordered to be inserted in the record of hearings. The documents are as follows:

[Letter from the Secretary of Labor.]

DEPARTMENT OF LABOR,  
Washington, January 22, 1924.

HON. ALBERT JOHNSON,  
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN: I thought you might be interested in reading the inclosed correspondence with the Surgeon General relative to insane aliens and other mental defectives in this country. Of course, this material was placed in my 1922 report, but it is still good and it has occurred to me that it might be a good thing to have in the record.

Kindly return the file after it has served your purpose.

Cordially,

JAMES J. DAVIS.

(Letters referred to by Secretary Davis are as follows:)

BUREAU OF THE PUBLIC HEALTH SERVICE,  
Washington, October 5, 1923.

HON. JAMES J. DAVIS,  
*Secretary of Labor, Washington, D. C.*

MY DEAR MR. SECRETARY: Referring to our conversation of a few days ago, I am pleased to forward herewith a copy of a communication from Surg. W. L. Treadway, of this service, in response to a personal communication from me asking for data relative to insane aliens and other mental defectives in this country, for use in connection with your speech on next Wednesday.

I trust that this letter will furnish you with the necessary data. If I can be of further assistance please call on me.

Sincerely yours,

H. S. CUMMING, *Surgeon General.*

UNITED STATES PUBLIC HEALTH SERVICE,  
Boston, Mass., October 2, 1923.

THE SURGEON GENERAL,  
*United States Public Health Service,  
Washington, D. C.*

SIR: I have the honor to acknowledge receipt of bureau telegram of October 2, 1923, requesting data for use by the Secretary of Labor relative to mental disorders occurring among alien and foreign-born persons living in the United States.

The rate of mental diseases under care in public institutions has increased during the past 40 years from 81.6 per 100,000 to 220.1 per 100,000 in the general population. This enormous increase in the number of persons requiring care in public institutions has entailed a great outlay of public funds for buildings and equipment and an increased yearly expenditure for their care. The cost of caring for 250,000 insane persons each year is of sufficient magnitude to interest the general public, the taxpayer, the legislator, and the practical administrator who is concerned with an adequate solution of this problem. The enormous increase in the population emigrating from Europe, 40 per cent of which came during the past 20 years and 70 per cent during the past 40 years, has complicated the problem.

Statistical studies dealing with the admission of persons to public institutions for the care of mental patients show that a fair proportion of them are foreign born. The rate of mental diseases among foreign-born persons living in the United States and native born of foreign or mixed parentage is higher than the rate for such disorders among native born of native parentage. The corrected rate for the foreign born in 1920 was 74.8 per 100,000; for native of foreign or

mixed parentage, 58.6 per 100,000; whereas the rate for native born of native parentage was 48.5 per 100,000.

Studies conducted by the service dealing with the admission over a period of 32 years of persons to public and private licensed institutions for the care of mental patients in the State of New York show that for each 100 admissions during that period 44.8 were foreign born. The proportion of foreign born for any one year never fell below 25 per cent and was never more than 50 per cent. During recent years the proportion of mental disorders among northern and western Europeans has shown a gradual decline, but they have never been less than 25 per cent. Obviously, the proportion of foreign born from southern and eastern Europe has shown a gradual increase associated with an increase in the population from that source. It is quite significant that one-half of the admissions to State hospitals of New York are foreign-born persons, whereas only one-quarter of the general population are foreign-born.

Comparing the proportion of foreign-born persons living in the general population and the proportion of foreign born in admissions to public institutions, it is found that the greatest number of mental disorders occurs in those persons who have lived in the United States 20 years or more. The second five years' residence seems to be a more crucial period for the occurrence of mental diseases than the first five years' residence.

From the standpoint of racial stocks living in America, some interesting observations have been made by the service on admissions to public institutions. Mental disorders incident to old age are more prone to develop in the Teutonic and Celtic stocks living in America. The mixed racial stocks in America also rank high in this respect. Mental diseases resulting from from syphilis occur in high proportion among the Chinese, the Negro, the Lettic, Finnic, and Chaldaic stocks, the latter including the Jew. The same disorders occur in lower proportion among the so-called Anglo-American stock. The Malayic stock in America is more prone to develop mental disorders associated with trauism. The Celtic stock living in America is more prone to develop mental diseases associated with intoxication than any other racial groups. The Irish rank first in disorders due to alcohol, but the Slavonic stock is also high in this respect. The Hellenic and the Chaldaic, including the Jew, show the lowest ratio of intoxication disorders. Malignant mental diseases that are associated with faulty mental adjustment occur much more frequently among those people comprising the new immigration.

The analysis of factors productive of situations such as these is an exceedingly important activity leading to the conservation of mental health and the prevention of mental diseases. The situation is probably the result of two factors: The conditions under which the foreign stock are required to live in America, and also the character of the individual immigrant who is allowed admission to this country. Under the immigration law individuals with frank mental disorders are excluded from landing. Obviously, the stringent enforcement of such measures is exceedingly important. Of greater significance, however, is the inauguration of measures which will exclude those individuals whose doubtful mental equipment does not quite bring them into the class of those subject to deportation under existing law and yet allows them to become either a real or potential danger to the country. These would be excluded through modifications of the immigration laws imposing penalties sufficient to insure as unprofitable the transportation of mentally disordered persons and those doubtful cases who are of greater potential danger to our country's welfare.

Respectfully,

WALTER L. TREADWAY,  
*Surgeon, Medical Officer in Charge.*

—  
TREASURY DEPARTMENT,  
Washington, October 3, 1923.

THE SECRETARY OF LABOR.

SIR: By direction of the Secretary, I have the honor to quote herewith a letter received from the representative of the Public Health Service, who is engaged in mosquito extermination on the Texas-Mexican border, for the prevention of the introduction of yellow fever from Mexico into the United States:

"I am trying to get a few approximate figures on the number of Mexican aliens entering the United States principally for work in the cotton fields of southeastern Texas and where they came from, as well as the district into which they went. Any such information is going to be approximate, but I hope on my next trip I can get fairly reliable data.

"For instance, reports at Laredo show that in July, 4,106 and in August, 4,046 Mexican aliens, laborers, not including any locals, entered through that port and Doctor King's estimate is that 50 per cent of the above were from the States of Guanajuato and Michacan. Referring to the map of Mexico you will see that Michacan is just west of the State of Mexico and borders on the west coast and Guanajuato is the State just north of Michacan. In the Corpus Christi district we run into Mexicans from the State of San Luis Potosi, which is north of Guanajuato and just west of Tamaulipas, Tampico being in the State of Tamaulipas.

"It would be interesting to know or have some idea of the movement of the Mexican laborers, particularly from these coast sections. I do know that the labor movement was great and that it extended well down into the interior of Mexico."

Inasmuch as the last yellow fever reported in Mexico occurred in the cities of Tampico, Ciudad Victoria, and Monterey, any information that the Department of Labor may be able to furnish, which will show the portions of Texas or other Southern States to which Mexican laborers migrate from the various Provinces of Mexico, will be of decided value in indicating the portions of the United States which will require most careful scrutiny. Information which will show migration trends, if such exist, will be of value, not only for the present year but for future years. To be more specific, information is desired as to whether Mexicans from given Provinces of Mexico migrate in groups to certain portions of Texas or the Southern States, and whether they repeat this migration year after year.

Respectfully,

ELIOT WADSWORTH,  
*Assistant Secretary of the Treasury.*

OCTOBER 8, 1923.

Hon. ELIOT WADSWORTH,

*Assistant Secretary of the Treasury, Washington, D. C.*

MY DEAR MR. SECRETARY: This is to acknowledge receipt of your letter of the 3d instant, with reference to the coming of Mexicans, as immigrants, to the United States.

Our records show that during the fiscal year, ending June 30, 1923, there came from Mexico, as immigrants, through the regular ports, approximately 73,000 immigrants. If rumor is to be credited, a very large number came surreptitiously and without coming through the regular ports.

We have not been keeping a compilation of the local districts of Mexico from which these aliens came. Neither are we in a position to know what becomes of them after they enter the United States. Information has come to us from a number of sources in the past six months that there has been a very extensive migration of people of the Mexican race from southern and southwestern States into the north and northeast. Under the law, however, we are not authorized to take account of movements of people after they are once inside of the United States and, therefore, we have no information except such as comes to us incidentally.

I am referring your letter to the men in charge of our ports east of Arizona and hope that they can give us some information along the lines of your inquiry. When that has been received, I shall be glad to communicate it to you.

With kindest regards, I am, very sincerely yours,

E. J. HENNING,  
*Acting Secretary.*

[Letter from Michael A. Frodo, Attorney and Counsellor at Law, 404 Kimball Building, 18 Tremont Street, Boston, Mass.]

JANUARY 15, 1924.

HON. ALBERT JOHNSON,  
*Chairman of the House Immigration Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: I am so intensely interested in the immigration question, having grappled with it for many years, and am so anxious that the problem be removed from the field of prejudices in which it has unfortunately fallen for the last decade and put on a rational and permanent basis that I feel compelled to address you in the matter, hoping that what I have to submit will serve you and the other gentlemen on the committee in the course of your deliberations.

While I am in perfect agreement with the general sentiment of the country that the time has come when we have to limit the number of those who would come to this country, I am against this so-called present Johnson immigration bill which seeks to limit immigration to 2 per cent of the nationalities represented by the census of 1890, for, instead of meeting the question on a fair, sound basis, this bill continues the arbitrary, illogical, and discriminatory percentage act, which is based on a political predilection and is not in any way fair or American in principle. I am for restriction in the right direction and in accordance with our best interests.

It occurs to me that the question should be put on the basis to which it belongs, the economic one. With very few exceptions, that has been the motive force of all those who have come to America from the early inception of our history. Men have come here to improve their economic condition, to create for themselves better economic opportunities. It was this very economic fact which gave rise to the first English settlement in Virginia. Dissatisfaction with home conditions, desire to improve—these have ever been the generative forces out of which our country is evolved. These forces can lead to further progress if wisely directed. The sooner we come to the realization of this fact the quicker will we be able to deal with this question as it should be dealt with, in a rational manner.

As long as we can use men in our industries, on our farms, in our mines, on our highways—and our own labor supply is insufficient to meet the requirements—we ought to be able to obtain them from abroad, providing they otherwise answer our physical and moral tests and they come here to build and not to destroy. This in brief should be our policy; not a series of offensive, discriminatory, arbitrary enactments which only create embarrassments to us and unnecessary hardships to others, but a wise effort to regulate the movement in accordance with our needs.

Europe has a surplus of man power. To lessen its many vexing problems, most of them peculiar unto itself, it must find an outlet for its excess population. If we can absorb some of it without detriment to ourselves we should do so, especially so now when our helping hand is needed. It ill becomes us to shut ourselves off completely or to arbitrarily determine that some particular nationalities may come here in larger proportion than others. Apart from the direct insult to the nations affected, a bill such as that which the House is now considering is bound to lead us into serious conflicts with the general principles of international law, of which we should deservedly be the foremost exponents.

Immigration can be regulated and in a manner which best serves our real interests. It can also be distributed to localities where it is most needed. It is for these reasons that I submit to you a proposal which to my mind is more American in principle and which meets the desire of all who would restrict it in accordance with our needs.

The proposal which I respectfully submit is the following:

Immediate relatives—and these could be limited and defined—of those already domiciled here—and this for obvious reasons of humanity—Government officials, tourists, merchants, members of recognized learned professions and resident aliens returning from a temporary absence, to be admitted without any limitations as to numbers, if they otherwise meet the provisions of our general immigration laws.

All other immigration should be regulated as follows:

At least three months before the commencement of the new fiscal year every manufacturer, farmer, and other employer shall send to the Secretary of Labor a requisition for aliens of any required capacity, skilled or unskilled, and of the race or nationality preferred by him, excluding orientals and pos-

sibly those of extreme southeastern Europe. (If any preference as to race or nationality is to enter into it, it is more just and proper that that preference be exercised by the man who requires the aliens than by a political body.) This requisition should contain assurances that the home market is not able to supply the required labor—and this could be ascertained through the co-operation of the various State organizations, corresponding to the Labor Department, which ascertain the industrial and labor conditions in every jurisdiction—and that the foreign labor will not be used to compete or replace domestic labor; also that it will receive the same standard of wages as the domestic labor. The employer should also bind himself to employ the foreign labor for at least one year. If the Secretary of Labor or the appropriate board which might be created, to which might also be joined a representative of organized labor, deems it reasonable to grant the request it shall so advise the employer and at the same time make formal request of the foreign government or governments describing the conditions and character of the labor desired. Our consular officers should be entrusted to see that they answer the requirements before viséing their passports and also be empowered to determine whether they otherwise meet the provision of our immigration law.

The immigrants upon arrival would be sent directly to the employer who made requisition for them, and they could be required to report at stated intervals in the section where employed (possibly at the post offices), and also allowed to renew their contract of employment if further needed.

It might also be provided that upon the termination of their contract of employment, not to exceed five years, these immigrants should be deported unless they have since declared their intention of becoming American citizens. Those deported could never again apply for admission.

This would do away with the reason for the contract-labor provision of our present immigration law, for the recruiting would be exclusively in the hands of Government officials and there would be no danger of a padrone system arising which caused the enactment of this clause in the present law.

All other immigration would be prohibited.

The method suggested would be restricted when our needs require it and liberal when our needs likewise required it, but only to the extent of these needs.

I have discussed this plan with distinguished brother members of the bar, with industrialists, with doctors, and others, and in every instance I have met approval.

Perhaps I may likewise meet with the approval of the gentlemen constituting the Immigration Committee and that of yourself, Mr. Chairman, if the plan appeals to you.

Very respectfully yours,

M. A. FREDO.

[Translation of an article in the Italian language.]

#### DECALOGUE OF THE ITALIANS.

[A reprint from *Il Popolo* of New York.]

I do not want to-day to place in this short column more than a few lines, rather a very few words.

The reason why I want to use few words is very simple, and it is this: Because no matter what words I might use, even if I were willing to steal all vocabulary of Policarpo Petrocchi, they would never have the beauty and the value which attach to those I am herein reprinting, by publishing the magnificent decalogue which the Italian Chamber of Commerce of Algiers has scattered abroad not only in that country but in every country where there are Italian immigrants.

Please, therefore, read it all and certainly more than once, as I have done myself, and then let me know whether in addition to subscribing to it—as I do—I could do any more.

Read it, and, if you can, memorize it. I am doing it myself, and am proud and happy in doing so.

1. There is but one fatherland. Your fatherland is Italy. No other country can be loved by you as you love Italy.

2. Never mention the name of the fatherland without reverence. Exult the glories of your Italy, which is one of the most ancient, noble, and civilized nations in the world. Do not complain because you have left it to seek elsewhere what she could not give you.

3. Remember to celebrate solemnly all national holidays; lend without delay your generous help when misfortunes come to your fatherland. On this occasion, and on all those in which the interest and the dignity of the fatherland are involved, forget your political affiliation, your religious creed, and remember solely that you are an Italian. Take the opportunity of mingling with your countrymen, educated and uneducated, rich and poor, of the south or of the north, conservatories or radicals, and treat them as your own brothers, and refresh your spirit by conversing with them about the land of your birth.

4. Honor the official representatives of your country. If you offend them, you offend your fatherland a little; respect them even if at times they may displease you. Be tolerant of their shortcomings, admire their virtues, do not place any obstacle in the way of their work, lend them, if you can, help for the good they do.

5. Do not take away a citizen from the fatherland by destroying in yourself the conscience and the sentiment of Italianism. Do not avoid through eagerness for material benefits the duties inherent in your citizenship; do not avoid military service; do not refuse to pay your taxes. Do not masquerade with a barbaric signature your Christian name and your surname; do not corrupt your speech with words, colloquialism, or foreign pronunciation. Observe scrupulously, in every time and place, the usages and customs, beliefs, and habits of your fatherland, without offending, at the same time the usages and the customs of the country which is giving you hospitality.

6. Do not endanger (or be insidious) for mere envy the authority and the prestige of your countrymen who occupy honorable positions. Do not oppose them through a wicked spirit of opposition or through blind partisanship. Pay willingly and in proportion to your wealth the necessary contribution to Italian beneficial and mutual assistance associations. Try to bring about harmony to pacify enemies, do not provoke dissensions, small wars, controversies which by damaging the Italian name destroy the authority of our associations.

7. Do not take away citizens from your fatherland by permitting your heirs to lose their Italianism and be assimilated by the people in whose midst you have immigrated. Educate your children to pay reverence to Italy. Compel them to speak, read, and write the paternal language and to study the history of Italy; send them, preferably, to Italian schools; buy good Italian books. Try to spread among strangers the knowledge of Italy, love for her culture and her language.

8. Be proud of proclaiming yourself, always and on every occasion, Italian in origin and sentiment, and be respectful, without servility, toward those who grant you hospitality.

9. Do not prefer foreign merchandise, but try always to buy and to make other people buy, to consume and make other people consume, goods and merchandise which have been produced and manufactured in Italy.

10. Do not desire a foreign woman; marry preferably an Italian. With her and by her you may keep in your children the blood and the language of your fathers, even if destiny compels you and your descendants to remain far away from the fatherland.

And now that you have read this beautiful decalogue of Italianism, after having engraved it in your mind and in your heart, practice it and you will have performed in such a manner your sacred duty as true sons of Italy, and as respectable guests of any foreign country.

(A literal translation from the Voice of the Italian People, a daily Italian newspaper published at Cleveland, Ohio, issue of Sunday, January 6, 1924, page 2, columns 3, 4, 5.)

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[Translation of an article in the Italian language.]

#### THE ESTIMATION OF COTILLO IN ITALY—A SAD FIGURE.

[From an article by Hon. Giuseppe Bottai, published under this title by the newspaper *Corriere Italiano* in Rome October 21, we quote a portion which best characterizes Senator Cotillo.]

This illustrious man made a great impression in Italy when he walked about last summer in the various political circles of the capital. Articles of homage and exaltation greeted him, which pointed him out to the admiration of the



illustrious public. He was received in all receptions, welcomed with every form of welcome, honored with every honor, photographed in all poses and interviewed in the manifold phases of his noble thought. He was acclaimed the champion of the Italians in America, the defender of the poor, the provident legislator. Rome—ancient, foolish Rome, with its sleepy promenades and its dusty halls—joyfully praised him. This beloved son of the fatherland felt encouraged; a wretch in America, so he might think, and a lion in Italy. And he spoke. His accomplice was the ocean, which lay between his audience and the distant connoisseurs of his mental poverty. He expressed his opinions, pronounced judgements, lied. When it was perceived that there were in Italy many fools who, like the Italian authority in America, were disposed to take him seriously, he departed, proud, haughty, and brilliant. He had won new honors. This is sufficient to enable him to return triumphant to the colony.

But Senator Cotillo had reckoned without his host. The host is Carlo Tresca, manager of the *Martello*, "a fighting weekly" or newspaper of vengeance. In the *Martello* things like the following are printed: New Infamy (with reference to Corfu); the maniac of Italy (with reference to Mussolini); the deeds of the Papuasi (or of the fascisti); fascisti rascals, etc. The subscribers of the *Martello* are, by written declaration of the manager himself, turned against fascism and its followers.

When Senator Salvatore Cotillo made statements in the Italian newspapers, praising fascism and the work of Benito Mussolini, Carlo Tresca became angry and wrote over six columns—Senator Cotillo, the modern two-faced Janus—pro-fascista in Italy, antifascista in America, and under the six columns, a couple of slanderous columns, in which, among other things, the following was said:

"But that one (Cotillo) is indifferent, and so are the houses of 116 streets. The Bank of Naples has lots of money. The legal office of the consulate will continue to give a sumptuous stipend to Cotillo, by order of Mussolini. The order, Sons of 'Straw' (as 'Tresca calls the Sons of Italy'), will continue to show the greatest delight in the senator, especially the provincial common people from 'up state.' And the senator, with the \$75,000 of the fund for education and assistance, will continue to educate and assist—himself and his friends, strengthening his political position."

How offensive the above is to a person of average sensibility. To Senator Cotillo, no. Senator Cotillo is not embarrassed. Moreover, in America, he hastens to receive Mr. Carlo Tresca into his house, receives him with cordiality and friendliness, treats him with "that respect and that esteem which is due to him who in his journalistic activities is guided by one single passion, which the ideal kindles"; and to the threatening demand, "Are you fascista? Then, you can not expect a truce with me," makes the following textual declarations, which we extract just as they are from the *Martello*:

"And, as is within my jurisdiction, that is in the State of New York, as grand venerable and as a plain member of the order. I did all that was possible to prevent violation of the constitution of our organization. The Order of the Sons of Italy is nonpolitical and nonreligious, and it is my intention to keep it far from political influences of all kinds, especially that which fascism would insert.

"At Rome I had an interview with Mussolini. In the presence of the Ambassador Cretani. I did not hesitate to express my thought to him. I told him that the march to Rome, as a premise in the reestablishment of law and order, was considered benevolently by America as a bloodless revolution. But the organization of the fasci in America, however, has aroused general indignation. The newspapers have, in general, fought it and have published atrocious deeds committed by the fascisti, so that the organization of the fasci is resolutely combatted. It is intolerable. America will never permit the organization of the fasci. Mussolini listened attentively. I insisted on making him see that his sending to America agents and organizers of fascismo had justly stirred up the spirits of Americans against fascismo itself, which is now considered as brigandage. At this statement of mine, Mussolini rolled his grim eyes. I said, 'Your excellency, this is my opinion, not only that of the American public.'

"But did the word 'brigandage' express it properly? Yes; I remember that in order to give greater force to the words I said 'brigandage' in English and Ambassador Cretani translated the word into Italian.

"Mussolini appeared to me to be preoccupied. With American frankness I drove home the argument making him understand that for the good of the

peaceful relations between the two countries it would be of great benefit to dissolve the fasci."

From the statement reported it appears that Senator Cotillo is an imposter, firstly, because it is not true that he told Mussolini what he asserts he said to him; secondly, because he either lied in Italy or lied in America.

Perhaps the true hypothesis is that Senator Cotillo lied both times. Senator Cotillo is neither pro nor anti fascista; he is a man without character. It could not be that one who has been recently honored with the rights of the Maurician Order would confide in the manager of a newspaper, in which were printed things like the following:

"No one will contest the right to make propaganda of nationalism, and least of all we who are the heralds of liberty of speech. But even we do not wish to have contested the right to make propaganda of 'antipatriotism' and especially the propaganda 'against the monarchy of Savoy,' which dissipates blood and mind, and is a Polyp with a thousand tentacles which suck blood and sweat from the body of the people of Italy."

Here there is something more, that of antifascismo.

And now it seems that this is enough.

We have wished to show up this sad figure of a renegade, because fascism appears to distrust this messenger across the ocean, who flees from the contempt of our brother emigrants by coming into the loving arms of the domestic fools who believe them. And we ask here: Whether it is permissible that this one should continue to wear Italian decorations on his breast; whether it is permitted that he should still be the advocate of the consulate general in New York and of other Italian offices and institutions.

It seems to me that he should not.

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[Letter from the Polish National Union of America.]

SCRANTON, PA., January 18, 1924.

HOUSE COMMITTEE ON IMMIGRATION,

Washington, D. C.

DEAR AND HONORABLE SIR: Inclosed you will please find a resolution of protest, together with a transcript of an article regarding the same, which appeared in the editorial section of the Scranton Times, Tuesday, January 15, 1924. The same has been sworn to before a notary public, being an exact transcript as it appeared in the above-mentioned paper. We respectfully submit the same to you and solicit your support. Trusting that you, sirs, will give this matter your kind attention, I remain,

Very respectfully yours, for the committee.

M. ROMAN, *Secretary*.

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At a meeting duly held and attended by American citizens of the north-eastern part of the State of Pennsylvania, the said citizens in meeting assembled being representatives, duly chosen, of citizens of Polish birth or descent, and which meeting was held at town hall in the city of Scranton, State of Pennsylvania, on the 13th day of January, 1924, the following resolutions were unanimously adopted:

Whereas a certain bill has been introduced into the House of Representatives having for its object reduction of immigration quotas in accordance with the census of 1890, which said bill is known as the Johnson 2 per cent immigration quota bill and indexed as No. H. R. 101; and

Whereas the bill in effect is intended to reduce the immigration quota from 3 per cent to 2 per cent, adopting as its basis of computation the census of 1890; and

Whereas such bill, if passed and enacted into law, would be unfair, un-American, and opposed to the fundamental ideals of American democracy: Be it, therefore,

*Resolved*, That the American citizens of Polish birth or descent in meeting assembled do hereby protest formally against the passage of such a bill; and be it further

*Resolved*, That the House Immigration Committee be urged to modify the bill in so far as the census of 1890 is used as a basis of computation of the immigration quota; and be it further

*Resolved*, That a copy of these resolutions be sent to the House Immigration Committee at Washington, D. C., and the Senators of the State of Pennsylvania.

Broni Braw Wysocki, Wiktor Koslowski, Michael Roman, Daniel Kapzikowski, John F. Mikuta, John J. Jacobowicz, Louise Kosin, Anthony Chilkis, Frank Lakasani.

[From the Scranton Times, January 15, 1924, editorial section.]

#### POLES PROTEST.

American citizens of Polish birth and descent residing in Lackawanna County who in mass meeting here Sunday went on record against passage of the Johnson immigration bill, apparently are not so much opposed to immigration restriction generally as they are to the basis of quotas fixed by the bill. The resolution of protest declares that the Johnson bill in effect is intended to reduce the immigration quota from 3 per cent to 2 per cent, by adopting as its basis of computation the census of 1890. Speakers at the mass meeting say that the 1920 census figures would be more fair as basis. Polish immigration would undoubtedly be restricted by making the 1890 census figures the basis for future immigration into the United States. This is the purpose of the bill. The Times, while in accord with immigration laws that would keep out undesirables, is not in sympathy with the movement to restrict immigration from a country like Poland, whose nationals have played such a big part in not only developing the United States but in protecting and fighting for this country in her hour of peril and need.

STATE OF PENNSYLVANIA, *County of Lackawanna, ss:*

Be it known that on the day of the date hereof, before me, a notary public, personally appeared Michael Roman, who, being duly sworn according to law, did depose and say that the attached document is a true and correct transcript of an editorial which appeared in the Scranton Times, January 15, 1924.

MICHAEL ROMAN,  
*Signature of Affiant.*

Sworn to and subscribed before me this 19th day of January, A. D. 1924.

[SEAL.]

JOS. D. MILGRAM,

My commission expires March 7, 1925.

[Telegram from Italian-Americans of Dorchester, Mass.]

DORCHESTER, MASS., *January 23, 1924,*

Congressman ALBERT JOHNSON,

*Chairman of the House Committee on Immigration,  
Washington, D. C.*

We, the officers of the undersigned organizations, representing thousands of Americans of Italian descent, assembled at 30 Bellevue Street, Dorchester, for the purpose of indignantly protesting against the enactment of House bill 101, known as the selective immigration bill, now pending before the United States Congress, respectfully request that said selective immigration bill be defeated as being unfair, discriminatory, and un-American and because it is highly insulting to citizens of United States of Italian descent who have donated and are donating their all so that United States of America should live forever.

Women's Italian Club of Boston; Circolo Femminele Ideal, of Dorchester; the Ladies' Auxillary of the North End Post American Legion; Mazzini Auxillary; Junior League of the Women's Italian Club; the Chatter Box Club; the Liguria Auxillary; the Ideal Club of Revere; the Yolando Club; Italia Irradente Dantes Alleghieri; and the Dorchester Social Club.

[Telegram from Sicilian American Club of Lawrence, Mass.]

LAWRENCE, MASS., January 16, 1924.

CHAIRMAN IMMIGRATION COMMITTEE,

*House of Representatives, Washington, D. C.*

The Sicilian American Citizens Club, Lawrence, Mass., in a special meeting unanimously voted to file a protest against reduction immigration quota, tending to strike the Latin and Slavonic races, and to grant more privileges to people of other nations. This act is in antagonism with the human spirit of the Constitution, and it is the effect of particular interests influenced by religious fanaticism and avidity of organizations.

C. BROCATO, *President.*

[Letter from Immigrants' Protective League, submitted by Mr. Sabath.]

IMMIGRANTS' PROTECTIVE LEAGUE,  
800 South Halsted Street, Chicago.

**STATEMENT ISSUED BY THE IMMIGRANTS' PROTECTIVE LEAGUE REGARDING THE  
PROPOSED BILL FOR THE REGISTRATION OF ALIENS.**

We the undersigned officers and members of the Board of Directors of the Immigrants' Protective League of Chicago desire to record some of our reasons for opposing the bill for the registration of aliens now pending in Congress.

First, we oppose such legislation because we believe it to be un-American in principle since it introduces into our American life the discredited Russian and Prussian Imperial system of espionage, with a resulting contempt of the poor.

Second, enforcement will require a large and expensive army of Federal officers who can not be adequately supervised and who will be subject to all the dangers of corruption, special influence, and special pleading characteristic of similar systems in Europe.

Third, it extends to the English, Irish, Scotch, Scandinavian, German, and all other immigrants the system heretofore used only for the Chinese, and we fear that the principal advocates of this measure in Congress are trying thus to carry over to the European immigrant their prejudices against the oriental immigrant.

Fourth, we object to the taxation imposed by this measure upon the alien residents of our country. Every immigrant is already charged a high head tax of \$8 to enter the United States. The imposition of an additional annual tax under the proposed registration system violates our American principle of taxation which seeks to avoid placing undue burdens upon the weakest and poorest members of the community.

Fifth, we believe the large amounts required to enforce this measure as well as the huge surplus now collected in the form of head taxes at Ellis Island should be used not for an expensive registration scheme but for improving conditions at Ellis Island, for improving the Federal immigration service throughout the country, and for protecting newly arrived immigrants against exploitation and disillusionment.

Finally, We are opposed to this measure because we believe it will create grave administrative difficulties, will waste large sums of public money, and will fail to secure the results desired.

Signed, Abel Davis, President; S. P. Breckenridge, Secretary;  
Marian Schibbsby, Superintendent; Jane Addams, Esther L. Kohn,  
Julia C. Lathrop, Ernst Freund, Edith Abbott, Rose M. Goodkind,  
Members of the Board of Directors.

[Letter from Elisha K. Kane, submitted by Mr. Swoope.]

ELISHA K. KANE,  
MANUFACTURER FLOOR TILE, BRICK, ETC.,  
KUSHEQUA, PA., January 18, 1924.

HON. WILLIAM I. SWOOPÉ,  
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of January 14, with enclosures of H. R. 101, H. R. 5, and H. R. 3032 arrived, but found me encumbered with a sick wife and some immediately pressing business matters. In view of the fact that you are having daily meetings, and yet kindly ask an expression of my views, I offer a few hasty comments on H. R. 101, which I have been able to read with some care, and which, in the main, strikes me as a rather admirable measure.

N. B.—As I wrote you on the 9th, I feel that for relief of our western farmers and the development of our natural resources, we might safely maintain the quota admissions at 3 per cent. instead of changing to 2 per cent.

The first portion of H. R. 101 which strikes me as undesirable is subdivision C of section 4. I realize that immigrants from the Dominion of Canada are highly desirable; and, were it not for complications with the other American countries mentioned, subdivision C would be desirable as applying to Canada only. The addition of Newfoundland does not appreciably change matters; but, habitually inclined as I feel toward increased quota immigration, I consider that an influx of immigrants from Mexico, Cuba and the countries of Central and South America would be far less desirable than an equal or greater influx from Italy, Central Europe, Germany, Russia or Bulgaria. It is my impression that the populations of America south of the United States, in so far as their original Indian blood or that of their Spanish-Portuguese conquerors, or the negroes who were imported and amalgamated, are distinctly undesirable and that the abundant additions to the populations of those countries from Europe in more recent years have not been improved by their sojourn in those partly civilized, oppressed or turbulent, and commonly corruptly governed, regions. I suspect that the influence of representatives of our Southern and Southwestern States may be won for the bill by local desire to obtain agricultural and industrial labor of a class which might submit to the indignities to which the negro laborers have heretofore been subjected. At the risk of losing the very desirable Canadian immigrants subdivision C ought to be stricken out.

Subdivision E of section 4 should be revised in regard to the expression "labor of like kind unemployed *can not be found in this country.*" This seems a rather impracticable definition. I think it would make trouble. It is quite true that highly skilled laborers or specialists in their line are badly wanted here. In fact, the contract labor law ought to be liberalized so as to permit of the services of such being secured with such pledges of employment as shall warrant them in quitting good jobs in the old countries to bring their skill hither. Modification of the contract labor law is not, however, before us. For instance, suppose that, by reason of dishonesty, drunkenness, or other vice, a highly skilled laborer nearly essential to a particular industry should be discharged. A laborer of the like kind would not be admitted under subdivision E, because the unworthy one just discharged could be "found" "unemployed."

In section 8 B, I would think that the age of the "resident of the United States claiming" relationship should be introduced. Personally, I would be only too glad to let a 3 months old baby make such a claim. Its need of a relative might be extreme; but the little one would hardly be competent to file the petition referred to.

Section 10, subdivision C, appears to me unnecessary, and likely to be bad in its working. The best feature of the whole bill is the admission of "quota relative immigrants"; for thereby the drifting and dissatisfaction of foreign laborers will be changed with the reestablishment of real homes in this country. The Italian or Slavish, Polish or Russian boarding house, the Mexican or Brazilian camp or work train, is a very undesirable feature of our civilization. I do not even hail with pleasure the arrival in my vicinity of a negro colony or a highway or railroad construction camp filled with "American" laborers recruited in the slums of New York or congested districts

of Buffalo or Chicago. The unit of true American civilization has been and should continue to be the American home.

I hope to write to you later after examining H. R. 5 and H. R. 3932.

Yours truly,

ELISHA K. KANE.

*Estimated immigration quotas based on census reports of 1890, 1900, 1910, and 1920—2 per cent plus 200 for each nationality.*

[The term "quota" when used in reference to any nationality means 200, and in addition thereto 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census.]

Country or region of birth.	Estimated quotas based on 2 per cent of Census.			
	Census of 1890.	Census of 1900.	Census of 1910.	Census of 1920.
Albania.....	204	221	392	312
Armenia (Russian).....	217	241	352	519
Austria.....	1,190	1,991	5,094	11,610
Belgium.....	709	849	1,242	1,456
Bulgaria.....	200	200	402	411
Czechoslovakia.....	2,073	3,631	11,572	7,450
Danzig, Free City of.....	423	414	400	350
Denmark.....	2,982	3,398	3,946	3,944
Estonia.....	302	437	1,098	1,584
Finland.....	345	1,465	2,814	3,213
Fiume, Free State of.....	210	217	248	310
France.....	4,078	3,834	4,020	3,277
Germany.....	50,329	48,181	45,272	33,905
Great Britain, North Ireland, Irish Free State.....	62,658	55,924	51,762	43,729
Greece.....	235	359	2,242	3,725
Hungary (including Sopron district).....	688	1,332	4,032	8,147
Iceland.....	236	242	250	250
Italy.....	4,089	10,315	28,238	32,415
Latvia.....	317	471	1,220	1,781
Lithuania (including Memel region and part of Pinsk region).....	502	755	1,932	2,901
Luxemburg.....	258	261	272	452
Netherlands.....	1,837	2,100	2,604	2,838
Norway.....	6,633	6,397	8,334	7,525
Poland (including eastern Galicia and part of Pinsk region).....	9,072	10,377	20,852	23,002
Portugal (including Azores and Madeira Islands).....	674	1,116	1,844	1,716
Rumania.....	831	1,612	5,146	2,237
Russia (European and Asiatic, excluding the barred zone).....	1,992	4,696	16,470	25,201
Spain (including Canary Islands).....	324	345	808	1,320
Sweden.....	9,761	11,872	13,562	12,749
Switzerland.....	2,241	2,514	2,702	2,677
Yugoslavia.....	935	1,604	4,484	3,600
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino).....	325	215	218	319
Palestine.....	201	204	238	264
Syria.....	212	267	788	1,242
Turkey (European and Asiatic, including Thrace, Imbros, Tenedos, and area north of 1921 Turko-Syrian boundary).....	223	318	1,970	941
Other Asia (including Cyprus, Hedjaz, Iraq (Mesopotamia), Persia, Rhodes with Dodekanesia and Castellorizzo, and any other Asiatic territory not included in the barred zone. Persons born in Asiatic Russia are included in Russia quota).....	245	439	262	307
Africa (other than Egypt).....	238	243	270	299
Egypt.....	206	208	212	217
Atlantic Islands (other than Azores, Canary Islands, Madeira Islands, and islands adjacent to the American continents).....	241	246	280	1,091
Australia.....	320	340	396	423
New Zealand and Pacific Islands.....	267	252	234	278
Total.....	169,083	186,693	248,550	249,587

[Text of selective immigration bill (H. R. 101) as amended in committee up to January 27, 1921.]

**A BILL** To limit the immigration of aliens into the United States, and to provide a system of selection in connection therewith, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the "Selective immigration act of 1924."

#### IMMIGRATION CERTIFICATES.

**SEC. 2.** (a) A consular officer upon the application of any immigrant (as defined in section 3) shall, under the conditions hereinafter prescribed, issue to him an immigration certificate which shall specify (1) his nationality; (2) whether he is a quota immigrant (as defined in section 5) or a nonquota immigrant (as defined in section 4); (3) his name, age, sex, race, and personal description (including height, complexion, color of hair and eyes, and marks of identification); the date and place of his birth, and his last residence in the country from which he comes; (4) his ability to speak, read, and write; (5) his occupation; and (6) such additional information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(b) The immigrant shall furnish a copy of his photograph to the consular officer, which shall be permanently attached by the consular officer to the immigration certificate.

(c) The validity of an immigration certificate shall expire at the end of such period, specified in the certificate, not exceeding three months, as shall be by regulations prescribed.

(d) So long as an immigrant is required by any law, or regulations or order made pursuant to law, to secure the visé of his passport by a consular officer before being permitted to enter the United States, no immigration certificate shall be issued under this Act in the case of such immigrant unless his passport is so viséed, or unless he is included in the passport of another which is so viséed. The passport of an immigrant shall not be viséed unless the consular officer has determined that the immigrant would be, upon such visé, entitled to an immigration certificate. If an immigrant is included in the passport of another, such passport shall not be viséed as to such immigrant unless the consular officer has determined that such immigrant would be, upon such visé, entitled to an immigration certificate; but this shall not prevent the viséing of the passport as to any alien who is not an immigrant, or who is an immigrant who would be, upon such visé, entitled to an immigration certificate.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration certificate of each immigrant. The immigrant shall surrender his immigration certificate to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the certificate the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration certificate shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary.

(f) No immigration certificate shall be issued to an immigrant if facts are stated in his application, or in the papers submitted therewith, from which it appears that he is inadmissible to the United States under the immigration laws, nor shall such certificate be issued if the application fails to comply with the provisions of this act.

(g) Nothing in this act shall be construed to entitle an immigrant, to whom an immigration certificate has been issued, to enter the United States, if, upon arrival at the port of inspection, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration certificate.

(h) A fee of \$2 shall be charged for the issuance of each immigration certificate, which shall be covered into the Treasury as miscellaneous receipts.

#### DEFINITION OF "IMMIGRANT."

**SEC. 3.** When used in this act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except

(1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, and (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling.

#### NONQUOTA IMMIGRANTS.

SEC. 4. When used in this act the term "nonquota immigrant" means—

(a) An immigrant who is the unmarried child under 18 years of age, father or mother over 55 years of age, husband, or wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 8;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who has resided continuously for at least ten years immediately preceding the time of his application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, countries of Central or South America, or adjacent islands, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, professor of a college, academy, seminary, or university, or member of any recognized learned profession;

(e) An immigrant who is a skilled laborer, if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance shall be determined by the Secretary upon the written application of any person interested; such application to be made before the issuance of the immigration certificate, and such determination by the Secretary to be reached after a full hearing and an investigation into the facts of the case;

(f) The wife, or the unmarried child under 18 years of age, of an immigrant admissible under subdivision (d) or (e), if accompanying or following to join him; or

(g) An immigrant who is a bona fide student over 18 years of age and who seeks to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university, particularly designated by him and approved by the Secretary.

#### QUOTA IMMIGRANTS.

SEC. 5. When used in this act the term "quota immigrant" means any immigrant who is not a nonquota immigrant.

#### APPLICATION FOR IMMIGRATION CERTIFICATE.

SEC. 6. (a) Every immigrant applying for an immigration certificate shall make application therefor in such form as shall be by regulations prescribed.

(b) In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents have ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a nonquota



immigrant, the facts on which he bases such claim; and (3) such additional information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(c) The immigrant shall furnish to the consular officer, with his application, his "dossier," his prison record, his military record, and copies of all records concerning him kept by the Government to which he owes allegiance. The documents so furnished shall be permanently attached to the application and become a part thereof.

(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) as to each class of individuals excluded from admission to the United States under the immigration laws, whether or not he is a member of such class; and such classes shall be stated on the blank in such form as shall be by regulations prescribed.

(e) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(f) The application shall be verified by the oath of the immigrant before the consular officer, and shall be permanently attached to the immigration certificate at the time of issuance and become a part thereof.

(g) In the case of an immigrant under 18 years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(h) A fee of \$2 shall be charged for the furnishing and verification of each application, which shall be covered into the Treasury as miscellaneous receipts.

#### NONQUOTA IMMIGRATION CERTIFICATES.

SEC. 7. A consular officer may, subject to the limitations provided in section 2, issue an immigration certificate to a nonquota immigrant upon satisfactory proof, under regulations prescribed under this act, that the applicant is entitled to be regarded as a nonquota immigrant.

#### ISSUANCE OF CERTIFICATES TO RELATIVES.

SEC. 8. (a) In case of any immigrant claiming in his application for an immigration certificate to be a nonquota immigrant by reason of relationship under the provisions of subdivision (a) of section 4, the consular officer shall not issue such certificate until he has been authorized to do so by the Commissioner General as hereinafter in this section provided.

(b) Any resident of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a nonquota immigrant under the provisions of subdivision (a) of section 4, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge; and (7) such additional information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(c) The petition shall be made under oath before any individual having power to administer oaths, and shall be supported by any documentary evidence required by regulations prescribed under this act. Application may be made in the same petition for admission of more than one individual.

(d) The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants, for whose admission application is made. These statements shall be attested in the same way as the petition.

(e) If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a nonquota immigrant under subdivision

(a) of section 4, he shall authorize the consular officer with whom the application for the immigration certificate has been filed to issue the immigration certificate.

(f) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a nonquota immigrant, if, upon arrival at the port of inspection, he is found not to be a nonquota immigrant.

#### PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE.

SEC. 9. (a) Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall issue the permit specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed, and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

(c) On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$6, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

#### PERCENTAGE LIMITATIONS.

SEC. 10. (a) When used in this act the term "quota" when used in reference to any nationality means 200, and in addition thereto 2 per centum of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of 1890.

(b) There shall be issued to quota immigrants of any nationality (1) no more immigration certificates in any fiscal year than the quota for such nationality, and (2) in each of the first 10 calendar months of any fiscal year no more immigration certificates than 10 per centum of the quota for such nationality, except that if such quota is less than 600 the number to be issued in each of the first 10 calendar months shall be prescribed by the Commissioner General, with the approval of the Secretary, but shall not be in excess of the quota for such nationality. During the eleventh and twelfth months of the fiscal year there may be issued to quota immigrants of any nationality the remainder, if any, of the quota for such nationality for such year, under regulations prescribed under this act.

(c) Nothing in this act shall prevent the issuance (without increasing the total number of immigration certificates which may be issued) of an immigration certificate to an immigrant as a quota immigrant even though he is a non-quota immigrant.

#### NATIONALITY.

SEC. 11. (a) For the purposes of this act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a minor child, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration certificate; and (2) if a wife is of a different nationality from her husband and the entire number of immigration certificates which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be

determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration certificate, but the total number of immigration certificates which may be issued to quota immigrants of the nationality of the husband for the calendar month or fiscal year shall not be thereby increased.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in the United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of this act. In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of individuals resident in the United States in 1890 who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this act generally, aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

#### EXCLUSION FROM UNITED STATES.

SEC. 12. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration certificate or was born subsequent to the issuance of the unexpired immigration certificate of the accompanying parent, (2) is of the nationality specified therein, (3) is a nonquota immigrant if specified in the certificate as such, and (4) is otherwise admissible under the immigration laws.

(b) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (h), (d), or (g) of section 4, or (2) is the wife or the unmarried child under 18 years of age of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3. An alien specified in clause (5) of section 3, who is ineligible to citizenship, shall be admitted to the United States only as provided in section 18.

(c) The Secretary may admit to the United States any otherwise admissible immigrant not admissible under clause (1), (2), or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(d) No quota immigrant shall be admitted under subdivision (c) if the entire number of immigration certificates which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration certificates has not been issued, then the Secretary, upon the admission of a quota immigrant under subdivision (c), shall reduce by one the number of immigration certificates which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(f) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 15.

(g) An immigrant who has been legally admitted to the United States and who departs therefrom temporarily at frequent intervals may be admitted to the United States, under such conditions as may be by regulations prescribed, without being required to obtain an immigration certificate in respect of each entry into the United States.

#### DEPORTATION.

SEC. 13. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United

States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

#### MAINTENANCE OF EXEMPT STATUS.

Sec. 14. (a) The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), or (4) of section 3, or declared to be a nonquota immigrant by subdivision (e) or (g) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States, together with, in case of an immigrant admitted as a skilled laborer under subdivision (e) of section 4, his wife and children admitted as nonquota immigrants under subdivision (f) of section 4.

(b) For the purposes of this section the marriage of an immigrant ineligible to citizenship admitted as a student under subdivision (g) of section 4 shall be considered to be a failure to maintain the status under which admitted.

#### PENALTY FOR ILLEGAL TRANSPORTATION.

Sec. 15. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration certificate, or (2) any quota immigrant having a certificate specifying him as a nonquota immigrant.

(b) If it appears to the satisfaction of the Secretary that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums.

(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant if the fine was imposed for bringing an immigrant without an unexpired certificate, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant whose certificate specified him as being a nonquota immigrant.

#### ENTRY FROM FOREIGN CONTIGUOUS TERRITORY.

Sec. 16. The Commissioner General, with the approval of the Secretary, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from foreign contiguous territory (except an alien previously lawfully admitted to the

United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

#### UNUSED IMMIGRATION CERTIFICATES.

SEC. 17. An immigration certificate in addition to the number provided in section 10 may not be issued to a quota immigrant of any nationality even though a quota immigrant of such nationality having an immigration certificate is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the certificate; or even though an alien of such nationality having an immigration certificate issued to him as a quota immigrant is found not to be a quota immigrant.

#### ALIEN SEAMEN.

SEC. 18. No alien seaman ineligible to citizenship or excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations and conditions (including the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

SEC. 19. (a) Upon the arrival after the expiration of four months after the enactment of this Act of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the principal immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel who was not shipped or engaged on such vessel at a port of the United States, a landing card in duplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination is found to be temporarily admissible to the United States under the immigration laws and regulations made thereunder, and to be not ineligible to citizenship, he shall be permitted to land temporarily in the pursuit of his calling, or for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause a fingerprint of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time during which the landing card shall be valid. Upon the landing of the alien one copy of the landing card shall be delivered to him, and the other transmitted forthwith to the Department of Labor under regulations prescribed under this act.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(e) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of \$500 for each alien in respect of whom the violation occurs; and no vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman, and delivered to him a landing card (in cases where a landing card is required), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary.

(c) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees and masters, and as to all seamen, arriving in the United States prior to the enactment of this act. Sections 33 and 34 of such act are repealed, to take effect after the expiration of four months after the enactment of this act, but the provisions of such section 34 shall thereafter remain in force in the case of any alien seaman who has landed in a port of the United States before such repeal becomes effective.

#### PREPARATION OF DOCUMENTS.

SEC. 21. Immigration certificates and permits issued under section 9, shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this act.

#### OFFENSES IN CONNECTION WITH DOCUMENTS.

SEC. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration certificate, landing card, or permit, or (2) uses, attempts to use, possesses, obtains, accepts, or receives any immigration certificate, landing card, or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary or other proper officer, knowingly (3) possesses any blank immigration certificate or permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of immigration certificates, landing cards, or permits, (5) makes any print, photograph, or impression in the likeness of any immigration certificate, landing card, or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary for the printing of immigration certificates, landing cards, or permits, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

(b) Any individual who (1) when applying for an immigration certificate or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, landing card, or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

(c) Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both.

#### BURDEN OF PROOF.

SEC. 23. In any proceeding under the immigration laws the burden of proving the right of any individual to enter or remain in the United States shall, as between him and the United States, be upon such individual.

## RULES AND REGULATIONS.

**SEC. 24.** The Commissioner General, with the approval of the Secretary, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be subject to the approval of the Secretary of State.

## ACT TO BE IN ADDITION TO IMMIGRATION LAWS.

**SEC. 25.** The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws; and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this act.

## STEAMSHIP FINES UNDER 1917 ACT.

**SEC. 26.** Section 9 of the immigration act of 1917 is amended by adding after the third sentence thereof a new sentence to read as follows: "If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported."

**SEC. 27.** Section 10 of the immigration act of 1917 is amended to read as follows:

"**SEC. 10.** (a) That it shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$200 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor, it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of \$1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers."

## GENERAL DEFINITIONS.

**SEC. 28.** As used in this act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii; the District of Columbia, Porto Rico, and the Virgin Islands;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any such sections;

(d) The term "immigration certificate" means a certificate issued by a consular officer under the provisions of this act, together with the application therefor;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration certificates under this act. In case of the Canal Zone and the insular possessions of the United States, the term "consular officer" (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration certificates under this act;

(f) The term "Immigration act of 1917" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Secretary" means the Secretary of Labor;

(j) The term "Commissioner General" means the Commissioner General of Immigration;

(k) The term "application for admission" has reference to the time of the application for admission to the United States and not to the time of the application for the issuance of the immigration certificate;

(l) The term "permit" means a permit issued under section 9;

(m) The term "landing card" means a landing card issued under section 19;

(n) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

(o) The terms "child," "father," and "mother" do not include a child or parent by adoption unless the adoption took place before January 1, 1924.

#### AUTHORIZATION OF APPROPRIATION.

Sec. 29. The appropriation of such sums as may be necessary for the enforcement of this act is hereby authorized.

#### ACT OF MAY 19, 1921.

Sec. 30. The act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such act may be deported in the same manner as if such act had not expired.

#### TIME OF TAKING EFFECT.

Sec. 31. (a) Sections 2, 7, 12, 13, 14, and 15, and subdivision (b) of section 10 shall take effect on July 1, 1924, except that immigration certificates and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of certificates to be issued prior to July 1, 1924, shall not be in excess of 10 per centum of the quota for such nationality, and the number of certificates so issued shall be deducted from the number which may be issued during the month of July, 1924.

(b) The remainder of this act shall take effect upon its enactment.



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